

**In re:**  
**Ayco Services**  
**Insurance Agency, Inc.**

**STATE OF MAINE**  
**BUREAU OF INSURANCE**

**Docket No. INS-08-201**  
**CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Ayco Services Insurance Agency, Inc., a New York corporation; the Maine Superintendent and Bureau of Insurance; and the Maine Department of the Attorney General. Its purpose is to resolve, in lieu of an adjudicatory proceeding, issues implicating Title 24-A M.R.S.A. §1417(1) and §1420-K(1)(A).

**STATEMENT OF FACTS**

1. The Superintendent of Insurance is the official charged with administering and enforcing Maine's insurance laws and regulations, and the Bureau of Insurance is the administrative agency with such jurisdiction.
2. Ayco Services Insurance Agency, Inc. applied for a Maine Nonresident Business Entity Producer License in November, 2007.

**Failure to disclose administrative proceedings**

3. Item 2 of the background questions on the application form electronically filed in connection with this application required a response to the following question:

“Has the business entity or any owner, partner, officer or director, or manager or member of a limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?”

4. The applicant answered “No” to Item 2.
5. The application included the applicant's electronic Certification and Attestation, under the statement:

“All of the information submitted in this application and attachments is true and complete and I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license or registration revocation and may subject me and the business entity or limited liability company to civil or criminal penalties.”

6. Staff of the Maine Bureau of Insurance discovered through its application review process that in November 2001 the applicant had been the subject of an administrative proceeding in Massachusetts, the settlement of which included payment of a \$550 fine.

7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated November 27, 2007, an explanation for the applicant's failure to disclose the Massachusetts matter, and requested relevant documentation.

8. The applicant's reply, received on December 5, 2007, included documentation and an explanation of the Massachusetts matter, and stated that the nondisclosure of this matter in the application was a mistake.

### **CONCLUSIONS OF LAW**

9. The application form's disclosure questions specifically require disclosure of insurance administrative matters. Ayco Services Insurance Agency, Inc. provided incorrect, misleading, incomplete or materially untrue information in its Maine application for nonresident producer business entity licensing by failing to disclose the Pennsylvania administrative penalty when it applied, and by certifying that the information was true and complete, and the applicant has not provided an adequate legal explanation for this failure to provide accurate information or to answer the item on the application correctly.

10. The provision of incorrect, misleading, incomplete or materially untrue information in the license application constitutes grounds for denial of the license application or other appropriate action, including the imposition of a civil penalty, under 24-A M.R.S.A. §1420-K(1)(A).

### **COVENANTS**

11. Ayco Services Insurance Agency, Inc., the Maine Superintendent and Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.

12. This Consent Agreement is entered into in accordance with 10 M.R.S.A. § 8003(5)(B) and is not subject to review or appeal. This Consent Agreement is enforceable by an action in the Superior Court.

13. At the time of executing this Consent Agreement, Ayco Services Insurance Agency, Inc. will remit to the Maine Bureau of Insurance a civil penalty in the amount of \$250.00, payable to the Treasurer of the State of Maine.

14. Ayco Services Insurance Agency, Inc. will promptly report any matters to the Maine Bureau of Insurance during all times as it is licensed through the Bureau, to the extent such reporting is required under the Maine Insurance Code, and will comply in all other respects with the provisions of the Maine Insurance Code, as applicable.

15. In consideration of the applicant's execution of this Consent Agreement, the State of Maine Bureau of Insurance shall issue the Nonresident Producer Business Entity License for which it has applied.

16. Ayco Services Insurance Agency, Inc. understands and acknowledges that this Agreement will constitute a public record within the meaning of 1 MRSA § 402, and will be available for public inspection and copying as provided for by 1 MRSA § 408, and will be reported to the NAIC "RIRS" database.

17. In consideration of the applicant's execution of and compliance with the terms of this Consent Agreement, the Superintendent of Insurance, Bureau of Insurance, and Department of the Attorney General agree to forgo pursuing further disciplinary measures or other civil or administrative sanction for the actions described in this Consent Agreement, other than those agreed to herein, and to issue the license applied for. However, should Ayco Services Insurance Agency, Inc. violate this Consent Agreement, it may be subject to any available legal remedy for the violation, including without limitation the suspension or revocation of all licenses issued to the applicant under the Maine Insurance Code.

18. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.

**EXECUTION PAGE FOLLOWS**

**Executed by:**

Dated: \_\_\_\_\_, \_\_\_\_\_

**Ayco Services Insurance Agency, Inc.**

By:

\_\_\_\_\_

\_\_\_\_\_

(printed name)

Its: \_\_\_\_\_

State of New York, \_\_\_\_\_, ss

Subscribed and Sworn to before me

\_\_\_\_\_

Notary Public

this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

(printed name)

**THE MAINE SUPERINTENDENT OF INSURANCE**

Dated: \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Eric A. Cioppa, Acting Superintendent

**FOR THE DEPARTMENT OF THE ATTORNEY GENERAL**

Dated: \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
**Assistant Attorney General**

\_\_\_\_\_  
(printed name)