

**STATE OF MAINE
BUREAU OF INSURANCE**

In re:

**Kimberly A. Sanborn
National Producer # 720942**

Docket No. INS-08-206

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Kimberly A. Sanborn, a resident of Wisconsin; the Maine Superintendent 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), §1419, and §1420-K(1).

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. Kimberly A. Sanborn applied for a Maine Nonresident Producer License in December, 2007.
3. Item 2 of the background questions on the application form electronically filed in connection with Ms. Sanborn's application required a response to the following question:

“Have you or any business in which you are or were an owner, partner, officer or director, or member or manager or limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration.”

4. Ms. Sanborn answered “No” to Item (2).
5. The application included Ms. Sanborn's “Certification and Attestation” under the statement:

“I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.”

6. Staff of the Maine Bureau of Insurance discovered, through its application review process, that Ms. Sanborn had been the subject of a 2003 consent agreement with a penalty of \$250.00 in the State of Alabama for failure to make a required disclosure on an application, and a 2006 consent agreement with a penalty of \$250.00 in the State of Mississippi for misstatement on an application.
7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated January 14, 2008, an explanation for Ms. Sanborn's failure to disclose the Alabama and Mississippi actions, and requested relevant documentation.

8. In response, Ms. Sanborn provided documentation of the matters, and stated the following in explanation of the failure to disclose this matter in her Maine application:

“Upon further review of the question, it appears that I misunderstood the question and should have answered the question with a YES response.”

9. Since the date of her Maine application, according to the National Producer Database, on January 15, 2008 Ms. Sanborn has also entered into a consent agreement with the State of Vermont resulting in a penalty of \$500.00, for failure to make a required disclosure on a license application, and has not amended her filing in Maine to report this action.

CONCLUSIONS OF LAW

10. The application form’s disclosure questions specifically require disclosure of administrative matters.
11. Ms. Sanborn provided incorrect, misleading, incomplete or materially untrue information in her Maine application for nonresident producer licensing by failing to disclose the 2003 Alabama consent agreement and 2006 Mississippi consent agreement when she applied, and certifying through the “Certification and Attestation” on the application that the information was true and complete, and she has not provided an adequate legal explanation for her failure to provide accurate information in the application.
12. 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).
13. Ms. Sanborn failed to amend her pending Maine application by reporting the material fact of the January, 2008 consent agreement as required by 24-A M.R.S.A. §1419.
14. The violation of any insurance law, including the failure to report a material fact in connection with an application as required under §1419 of the Maine Insurance Code, also 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)(B).

COVENANTS

15. Kimberly A. Sanborn, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.
16. 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.
17. At the time of executing this Consent Agreement, Ms. Sanborn 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.
18. Ms. Sanborn will promptly report any matters to the Maine Bureau of Insurance during all times as she 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.

19. In consideration of the applicant's execution of this Consent Agreement, the State of Maine Bureau of Insurance shall issue the Nonresident Producer License for which she has applied.
20. Ms. Sanborn 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.
21. 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. However, should Ms. Sanborn violate this Consent Agreement, she may be subject to any available legal remedy for the violation, including without limitation the suspension or revocation of all licenses issued under the Maine Insurance Code.
22. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.

Kimberly A. Sanborn

Dated: _____, _____

Kimberly A. Sanborn

State of Wisconsin, _____, ss

Subscribed and Sworn to before me
this _____ day of _____, ____.

Notary Public

(printed name)

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: _____, _____

Mila Kofman, Superintendent

FOR THE DEPARTMENT OF THE ATTORNEY GENERAL

Dated: _____, _____

Assistant Attorney General

(printed name)