

**STATE OF MAINE  
BUREAU OF INSURANCE**

**In re:**

**Jonathan D. Moore  
National Producer # 8138909**

**Docket No. INS-08-208**

**CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Jonathan D. Moore, a resident of New Hampshire; 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) 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. Jonathan D. Moore applied for a Maine Nonresident Producer License in February, 2008.
3. Item 1 of the background questions on the application form electronically filed in connection with Mr. Moore's application required a response to the following question:

“Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?”

4. Mr. Moore answered “Yes” to Item (1) and disclosed a 1980 misdemeanor.
5. Item 2 of the background questions on the application form electronically filed in connection with this 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 ever been involved in an administrative proceeding regarding any professional or occupational license?”

6. Mr. Moore answered “No” to Item (2).
7. The application included Mr. Moore'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.”

8. Staff of the Maine Bureau of Insurance discovered, through its application review process, that Mr. Moore had been the subject of a 2004 Consent Order in the State of

New Hampshire involving a one year period of license probation, for not properly disclosing the above misdemeanor in his application for insurance producer licensing.

9. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated March 7, 2008, an explanation for Mr. Moore's failure to disclose the New Hampshire action, and requested relevant documentation.
10. Mr. Moore provided documentation of the matter by facsimile on March 17, 2008, and on March 28, 2008 discussed the nondisclosure issue itself by phone with an attorney on the staff of the Bureau of Insurance, at which time he indicated that the licensing staff used by his company to file applications filed the incorrect information on his behalf by error.

### **CONCLUSIONS OF LAW**

11. The application form's disclosure questions specifically require disclosure of criminal convictions and insurance administrative matters.
12. Mr. Moore provided incorrect, misleading, incomplete or materially untrue information in his Maine application for nonresident producer licensing by failing to disclose the 2004 New Hampshire consent order and license probation when he applied, and certifying through the "Certification and Attestation" on the application that the information was true and complete, and he has not provided an adequate legal explanation for his failure to provide accurate information in the application.
13. 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**

14. Jonathan D. Moore, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.
15. 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.
16. At the time of executing this Consent Agreement, Mr. Moore will remit to the Maine Bureau of Insurance a civil penalty in the amount of \$100.00, payable to the Treasurer of the State of Maine.
17. Mr. Moore will promptly report any matters to the Maine Bureau of Insurance during all times as he 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.
18. 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 he has applied.
19. Mr. Moore 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.

20. 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 Mr. Moore violate this Consent Agreement, he 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.
21. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.

**Jonathan D. Moore**

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

\_\_\_\_\_  
Jonathan D. Moore

State of New Hampshire, \_\_\_\_\_, 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)