

**STATE OF MAINE  
BUREAU OF INSURANCE**

**In re:**

**Kobie T. West**

**National Producer # 2976625**

**Docket No. INS-08-211**

**CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Kobie T. West, a resident of Pennsylvania; 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. Kobie T. West applied for a Maine Nonresident Producer License in August, 2007.
3. Item 2 of the background questions on the application form electronically filed in connection with Mr. West'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. Mr. West answered “No” to Item (2).
5. The application included Mr. West'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 Mr. West had been the subject of a 2001 consent order involving a penalty in the State of New Jersey for failure to notify the Department of an address change, and a 2003 denial of license in the State of Wisconsin for failing to disclose the New Jersey matter in the license application.
7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated September 21, 2007, an explanation for Mr. West's failure to disclose the New Jersey and Wisconsin matters, and requested relevant documentation.

8. Mr. West's response, received March 5, 2008 provided documentation of the actions, and stated the following in explanation of the failure to disclose the matters in his Maine application:

"The above information was not disclosed intentionally. While completing the licensing application the question was misread."

### **CONCLUSIONS OF LAW**

9. The application form's disclosure questions specifically require disclosure of administrative matters.
10. Mr. West provided incorrect, misleading, incomplete or materially untrue information in his Maine application for nonresident producer licensing by failing to disclose the 2001 New Jersey consent order and 2003 Wisconsin license denial 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.
11. 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**

12. Kobie T. West, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.
13. 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.
14. At the time of executing this Consent Agreement, Mr. West 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.
15. Mr. West 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.
16. 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.
17. Mr. West 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.
18. 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. West 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.

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

**Kobie T. West**

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

\_\_\_\_\_  
Kobie T. West

Commonwealth of Pennsylvania, \_\_\_\_\_, 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)