

**STATE OF MAINE  
BUREAU OF INSURANCE**

**Docket No. INS-09-211**

**CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S. § 8003(5), entered into among Scott P. Simonds, a resident of Maine; the Maine Superintendent of Insurance; and the Maine Office of the Attorney General. Its purpose is to resolve, in lieu of an adjudicatory proceeding, issues implicating Title 24-A M.R.S. §1417(1) and §1420-K(1)(J).

**PARTIES**

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. The Superintendent has jurisdiction over this matter pursuant to the Insurance Code generally, Title 24-A Maine Revised Statutes Annotated, in particular, 24-A M.R.S. §§ 12-A and 229, as well as other provisions.
2. Scott P. Simonds has been licensed in Maine as an insurance producer with Life & Health authority since June 29, 1992. His Maine Producer Number is PRR 35102. His National Producer Number is 3351459.

**STATUTORY AUTHORITY**

3. Under 24-A M.R.S. §1417 and §1420-K(1)(J), after notice and opportunity for hearing, the Superintendent may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or may levy a civil penalty in accordance with section 12-A, or take any combination of such actions, for forging another's name to an application for insurance or to any document related to an insurance transaction.
4. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B).

**FACTS**

5. In March, 2009, based upon Mr. Simonds's recommendation, consumer C.G., a resident of Brunswick, Maine, applied for a health insurance policy through Mr. Simonds.
6. Mr. Simonds had made the presentation concerning the policy and taken the application at C.G.'s residence.
7. Upon returning to his office, Mr. Simonds realized that he had given C.G. an out of date version of the bank draft authorization form to sign, and that he had failed to have C.G. sign a page of the application form relating to prescription history.
8. Mr. Simonds signed C.G.'s name to the current bank draft authorization form and to the page relating to prescription history.

9. Mr. Simonds did not have legal authority or permission from C.G. to sign C.G.'s name on either document.
10. Mr. Simonds falsely presented the forms to the insurer as documents that were actually signed by the applicant.

## **VIOLATIONS OF LAW**

### **FORGING ANOTHER'S NAME TO A DOCUMENT RELATED TO AN INSURANCE TRANSACTION**

11. Under 24-A M.R.S. §1420-K(1)(J), the Superintendent may, after notice and opportunity for hearing, place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or may levy a civil penalty, or take any combination of such actions, for forging another's name to an application for insurance or to any document related to an insurance transaction.
12. Mr. Simonds's acts of signing customer signatures described above constitute grounds for license sanctions under 24-A M.R.S. §1420-K(1)(J).

## **COVENANTS**

13. Scott P. Simonds admits to the facts as stated above, admits that such conduct constitutes grounds for imposing discipline as a violation of 24-A M.R.S. § 1420-K(1)(J), and agrees to the imposition of the disciplinary sanctions specified below.
14. Mr. Simonds has cooperated with the investigation and the sanctions imposed by this Consent Agreement reflect that cooperation.
15. Mr. Simonds agrees to remit to the Maine Bureau of Insurance a civil penalty in the total amount of \$ 2,000.00, payable to the Treasurer of the State of Maine, which payment shall be due within thirty (30) days following the date of the Superintendent's signature below.
16. Mr. Simonds agrees that his Maine producer license will be suspended for a period of twenty-one (21) calendar days, during which period he may not engage in any producer activities, or hold himself out as currently authorized to engage in such activities. The period of suspension will commence on the first Monday following the date of the Superintendent's signature below. The suspension period will terminate, and Mr. Simonds's license will become active, on the 22nd calendar day, which will be the third Monday following the commencement of the suspension.
17. Mr. Simonds agrees that within six months from the date of this consent agreement (as measured from the date of the Superintendent's signature), he will successfully complete six (6) credit hours of Ethics training, and report such completion to the Bureau. Such training must be through courses that are approved for the producer Continuing Education ethics requirement in Maine. However, the six credit hours required by this paragraph shall not be credited towards Mr. Simonds's regular biennial continuing education requirement which is next due November 30, 2010.
18. The Parties to this Consent Agreement understand that nothing herein shall affect any rights or interest that any person not a party to this Consent Agreement may possess.

19. Nothing in this Consent Agreement shall be construed to excuse any obligation or duty of Mr. Simonds to past or present clientele.
20. This Consent Agreement does not preclude the State of Maine or any of its agencies from seeking in a judicial forum any remedy for illegal conduct by Mr. Simonds other than for the specific violations of the insurance code specifically resolved through this Consent Agreement.
21. This Consent Agreement is enforceable by an action in Maine Superior Court.
22. This Consent Agreement is not subject to appeal.
23. This Consent Agreement may be modified only by a written agreement executed by all of the signatories hereto.
24. This Consent Agreement is a public record subject to the provisions of the Maine Freedom of Access Law, 1 M.R.S. §§ 401 through 410, will be available for public inspection and copying as provided for by 1 M.R.S. § 408, and will be reported to the National Association of Insurance Commissioners' "RIRS" database.
25. By his signature on this Consent Agreement, Mr. Simonds indicates that he has read the Consent Agreement, that he understands the Consent Agreement, that he has reviewed the statutory provisions he has violated, that he has been advised of his right to consult with counsel and has had an opportunity to consult with counsel before signing the Consent Agreement, and that he enters into the Consent Agreement voluntarily and without coercion of any kind from any person.

**Execution Page**

**SCOTT P. SIMONDS**

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

\_\_\_\_\_  
Scott P. Simonds

**THE MAINE SUPERINTENDENT OF INSURANCE**

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

\_\_\_\_\_  
Mila Kofman, Superintendent

**FOR THE OFFICE OF THE ATTORNEY GENERAL**

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

\_\_\_\_\_  
**Andrew L. Black**  
Assistant Attorney General