

IN RE: NATIONWIDE MUTUAL)
INSURANCE COMPANY) CONSENT AGREEMENT
) Docket No. MCINS 98-04
)
)
)
)
)

This document is a Consent Agreement, authorized by 5 M.R.S.A. §9053(2) entered into by and among Nationwide Insurance Company and the Staff of the Maine Bureau of Insurance. The purpose is to resolve, without resort to an adjudicatory proceeding, issues relative to the above insurer's authority to act as an insurer in the State of Maine.

STIPULATIONS

1. Nationwide Insurance Company is an insurer authorized to transact insurance in the State of Maine.
2. The **Superintendent of Insurance** (hereinafter, "Superintendent") is the official charged with administering and enforcing Maine's insurance laws and regulations.
3. This proceeding arises as a result of an investigation by the Superintendent of Insurance. Nationwide agrees to the following statement of facts:
 - A. On December 8, 1997, Nationwide's appointed producer, Douglas Mitchell, sent a direct mail solicitation that was a misleading advertisement in violation of Title 24-A M.R.S.A. § 2154.
 - B. Nationwide did not authorize the use of the advertisement and had no knowledge of such advertisement until it was brought to the insurer's attention by the Insurance Bureau.
 - C. Nationwide accepts responsibility for the actions of its appointed producer.

COVENANTS

4. Nationwide and the Staff of the Maine Bureau of Insurance agree to the following:
 - A. The Superintendent may issue a **Consent Order** in this matter in the form agreed upon by the parties. (A copy is attached);
 - B. A formal hearing in this matter is waived and no appeal will be made;
 - C. Pursuant to Title 24-A M.R.S.A. § 12-A, Nationwide will pay a penalty within 14 days of the effective date of the *Consent Order* in the amount of \$1,000 (one thousand dollars) to the Maine Bureau of Insurance made payable to the Treasurer of the State of Maine;
 - D. The *Consent Order* shall be final upon execution by the Superintendent and conclusive between the parties as to all matters which were subject of the investigation.

MISCELLANEOUS

5. Nationwide understands and acknowledges that this Agreement will constitute a public record within the meaning of 1 M.R.S.A. § 402 and will be available for public inspection and copying as provided for by 1 M.R.S.A. § 408.

6. It is understood by the parties to this Agreement that nothing herein shall affect any rights or interests that any person not a party to this Agreement may possess.

7. This agreement is intended solely for the purpose of resolving a complaint against Nationwide's insurance producer now pending before the Bureau of Insurance related to the advertisement of snowmobile coverage.

Dated:

Nationwide Insurance Company

Subscribed to before me this ____ day of _____, 1998.

Notary Public/Attorney At Law

Dated:

KATHRYN E. DAVIS
Staff Attorney

Dated:

JUDITH CHAMBERLAIN
Asst. Attorney General

**STATE OF MAINE
DOCKET NO. MCINS 98-04**

**IN RE: NATIONWIDE MUTUAL
INSURANCE COMPANY**

)
)
) **CONSENT ORDER**
)

This proceeding arises as a result of an investigation by the Staff of the Maine Bureau of Insurance.

Having reviewed the **Consent Agreement** of the parties to this proceeding, the Superintendent hereby accepts the **Agreement** as a basis for this **Consent Order**. A copy of said Agreement is attached and incorporated by reference.

Having engaged in conduct in violation of 24-A M.R.S.A. § 2154, it is **HEREBY ORDERED** pursuant to 24-A M.R.S.A. § 12-A that Nationwide Insurance Company, an insurance company licensed to do business in the State of Maine, will pay a penalty within 14 days of the effective date of the **Consent Order** in the amount of \$1,000.00 (one thousand dollars) to the Maine Bureau of Insurance made payable to the Treasurer of the State of Maine.

This **Consent Order** shall be final upon execution and conclusive between the parties as to all matters which were subject to the investigation.

PER ORDER OF THE SUPERINTENDENT, THE EFFECTIVE DATE OF THIS ORDER IS _____.

Dated:

Alessandro A. Iuppa
Superintendent of Insurance