

CONCLUSIONS OF LAW

7. Prudential acknowledges its failure to respond to one or more lawful inquiries of the Superintendent within the statutorily mandated time period as required by Title 24- A M.R.S.A. §220(2).

COVENANTS

8. A formal hearing in this matter is waived and no appeal will be made.

9. At the time of executing this Agreement, Prudential will pay to the Maine Bureau of Insurance a penalty in the amount of four hundred dollars (\$400.00) payable to the Treasurer of the State of Maine.

10. At the time of executing this Agreement, Prudential will provide the response requested in paragraph 4 above.

11. In consideration of Prudential's execution of and compliance with the terms of this Consent Agreement, the Superintendent of Insurance agrees to forgo pursuing any disciplinary measures or other civil sanction for the actions described in paragraphs other than those agreed to in this Consent Agreement.

MISCELLANEOUS

12. Prudential 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.

13. 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.

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14. This Consent Agreement may only be modified by the written consent of the parties.

15. Prudential has been advised of its right to consult with counsel and has, in fact, consulted with counsel before executing this Agreement.

Dated: _____, 1999

For: Prudential Insurance Company of America

By: _____

Typed Name

Typed Title

Subscribed and sworn to before me this _____ day of _____, 1999

Notary Public

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Dated: _____, 1999

Alessandro A. Iuppa
Superintendent of Insurance

Subscribed and sworn to before me this _____ day of _____, 1999

Notary Public

STATE OF MAINE
KENNEBEC S.S.

Dated: _____, 1999

Judith Shaw Chamberlain
Assistant Attorney General