

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
BUREAU OF INSURANCE

In re:

Brian A. Rooney

National Producer No. 19672165
Maine License No. PRN 394927
Docket No. INS-23-201

**CONSENT AGREEMENT
AND ORDER**

Brian Rooney, licensed as a nonresident insurance producer, the Maine Superintendent of Insurance ("Superintendent") and the Office of the Maine Attorney General ("Attorney General") hereby enter into this Consent Agreement pursuant to 10 M.R.S. §8003(5)(B) to resolve, without an adjudicatory proceeding, violations of the Insurance Code for which the Superintendent may impose discipline pursuant to 24-A M.R.S. §§ 1417 and 1420-K.

STATUTORY AUTHORITY

1. Under 24-A M.R.S. §§ 12-A and 1420-K, the Superintendent may issue a warning, censure, or reprimand to a licensee, may suspend, revoke or refuse to renew the license of a licensee, may impose conditions of probation on the licensee, may levy a civil penalty, or may take any combination of such actions, for violating any insurance laws, or violating any rule, regulation, subpoena, or order of the Superintendent.
2. Pursuant to 10 M.R.S. § 8003(5)(B), the Superintendent may resolve a matter by entering into a consent agreement with a licensee and with the agreement of the Attorney General.

FACTS

3. The Superintendent is the official charged with administering and enforcing Maine's insurance laws and regulations, and the Bureau of Insurance ("Bureau") is the administrative agency with such jurisdiction. The Superintendent has jurisdiction over this matter pursuant to 24-A M.R.S. §§ 12-A and 211.
4. Brian Rooney is licensed as a nonresident insurance producer by the Bureau. He is a resident producer licensed by the State of Texas. His producer number is PRN 394927. His National Insurance Producer Registry number is 196721165.
5. On January 17, 2022 the Bureau received notification from an insurer that had terminated Brian Rooney's appointment "for cause." The notification went on to state that Brian Rooney's appointment had been terminated due to his having knowingly and with intent to defraud, completed and submitted an electronic application for life insurance containing the forged electronic signature of an applicant that was completed over the telephone with a resident of the State of Maine without their knowledge or consent.

6. On or around November 3, 2021, Brian Rooney communicated with a Maine consumer concerning the consumer's interest in obtaining premium quotes for a life insurance policy.
7. On or around November 3, 2021, Brian Rooney executed an application for a life insurance policy listing the Maine consumer as the intended insured. Brian Rooney submitted the application electronically.
8. The insurer with which Brian Rooney was appointed and whose application Brian Rooney executed had specific requirements regarding the use of electronic applications for insurance. These requirements include that the electronic application may only be used when the applicant is physically present with the producer and when the applicant is the one to actually "click" a signature box indicating that they agree to submit the application.
9. The application for life insurance that was electronically submitted by Brian Rooney contained the following statement: **"FRAUD NOTICE/WARNING: Any person who knowingly presents a false statement in an application for insurance may be guilty of a criminal offense and subject to penalties under state law."**
10. The application for life insurance that was submitted by Brian Rooney indicated that the Maine consumer had "e-signed" the application as the "proposed insured" and that the signature was given in the City of Wells, Maine on November 3, 2021.
11. In fact, the Maine consumer did not fill out, e-sign or submit the application for insurance. Rather, Brian Rooney filled out and submitted the application while he was present in the State of Texas.
12. Brian Rooney violated the insurer's electronic application signature requirement when he clicked the signature box in the application for life insurance on behalf of the Maine consumer.
13. On December 7, 2021, the Maine consumer in whose name Brian Rooney had submitted an electronic life insurance policy application complained to the insurer. The consumer stated that money had been withdrawn from his bank account for a life insurance policy, the purchase of which he never authorized.
14. The consumer informed the insurer that, in fact, he had been in communication with Brian Rooney in order to obtain a quote for a life insurance policy for the consumer's business partner but that the consumer had never authorized a purchase of any policy. The insurer refunded the consumer's premium.

CONCLUSIONS OF LAW

15. As described in Paragraphs 3 to 14 above, Brian Rooney violated 24-A M.R.S. §1420-K(1)(H) by using fraudulent, dishonest or incompetent practices in the conduct of business in this state.
16. As described in Paragraphs 3 to 14 above, Brian Rooney violated 24-A M.R.S. §1420-K(1)(J) by forging another's name to an application for insurance or to any document related to an insurance transaction.

COVENANTS


17. Brian Rooney admits to the Facts stated above and admits that those Facts constitute a basis for imposing discipline upon him due to his violations of §§1420-K(1)(H) and (J).
18. Brian Rooney warrants that he has now made a full and accurate disclosure regarding this matter, and he agrees that any material inaccuracy would constitute a violation of this Consent Agreement.
19. Brian Rooney agrees to the revocation of his Maine nonresident producer license. Following this revocation, Brian Rooney may not engage in insurance producer activities as defined in the Maine Insurance Code, Title 24-A of the Maine Revised Statutes and may not participate in the business of an insurance agency or receive compensation to the extent prohibited by 24-A M.R.S. §1412.
20. Nothing in this Consent Agreement shall affect the rights or interests of any person who is not a party to this Consent Agreement.
21. This Consent Agreement is not subject to appeal. Brian Rooney waives any further hearings or appeals regarding the matters that are the subject of this Consent Agreement.
22. This Consent Agreement constitutes an Order of the Superintendent. A violation of its terms is enforceable by the Superintendent pursuant to 24-A M.R.S. §§ 12-A and 211.
23. This Consent Agreement is also enforceable by an action in Maine Superior Court pursuant to 24-A M.R.S. § 214, 10 M.R.S. § 8003(5)(B), and 14 M.R.S. § 3138.
24. The effective date of this Consent Agreement is the date of the Superintendent's signature.
25. This Consent Agreement may be modified only by a written agreement executed by all of the parties hereto. Any decision to modify, continue or terminate any provision of this Consent Agreement rests in the discretion of the Superintendent and the Attorney General.

26. This Consent Agreement is a public record subject to the provisions of the Maine Freedom of Access Act, 1 M.R.S. §§ 401 through 410, and will be available for public inspection and copying pursuant to 1 M.R.S. § 408-A.
27. This Consent Agreement is an adverse action and will be reported to the Regulatory Information Retrieval System ("RIRS") database at the National Association of Insurance Commissioners ("NAIC").
28. Brian Rooney agrees that he has read this Consent Agreement, that he understands this Consent Agreement, that he has reviewed the statutory provisions set forth herein, that he has had an opportunity to consult counsel before signing this Consent Agreement, and that he enters into this Consent Agreement voluntarily and without coercion of any kind from any person.
29. In consideration of Brian Rooney's execution of and compliance with the terms of this Consent Agreement, the Superintendent and Attorney General agree to forgo pursuing against Brian Rooney any further disciplinary measures or other civil or administrative sanctions arising under the Maine Insurance Code concerning the specific, admitted conduct described in this Consent Agreement. However, should Brian Rooney violate any provision of this Consent Agreement, he may be subject to any available sanction for the violation.

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BRIAN A. ROONEY

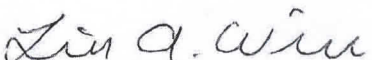
Dated: DEC 28, 2023



Brian A. Rooney

THE OFFICE OF THE MAINE ATTORNEY GENERAL

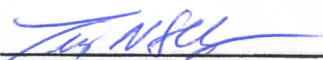
Dated: Jan 2, 2024



Lisa A. Wilson
Assistant Attorney General

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: Jan 19th, 2024



Timothy N. Schott
Acting Superintendent of Insurance