

**STATE OF MAINE
BUREAU OF INSURANCE**

Docket No. INS-08-217

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Richard Maffei, a resident of Florida; 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) and §1420-K(1)(A).

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. Richard Maffei applied for a Maine Nonresident Producer License in February, 2008.
3. Item 2 of the background questions on the application form electronically filed in connection with this 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 manager of limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration.”

4. Mr. Maffei answered “No” to Item (2).
5. The application included Mr. Maffei'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. Maffei had been the subject of a 1990 Consent Order in the State of Florida involving a penalty of \$250.00.
7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated March 7, 2008, an explanation for Mr. Maffei's failure to disclose the Florida action, and requested relevant documentation.
8. Mr. Maffei's reply, received March 28, 2008 provided a brief explanation of the circumstances relating to the Florida action, but did not provide documentation. Regarding the application disclosure issue, Mr. Maffei noted that he had answered “No” to that item, but that the answer should have been “Yes.” In this reply, Mr. Maffei also

disclosed a more recently developing matter involving a similar disclosure issue in his Indiana producer application.

9. By letter dated April 11, 2008, the Bureau's licensing supervisor reminded Mr. Maffei of the need to provide documentation of the Florida action.
10. On April 22, 2008, the Bureau received Mr. Maffei's documentation of the matter.

CONCLUSIONS OF LAW

11. The application form's disclosure questions specifically require disclosure of insurance administrative matters.
12. Mr. Maffei provided incorrect, misleading, incomplete or materially untrue information in his Maine application for nonresident producer licensing by failing to disclose the 1990 Florida Consent Order and penalty 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.
13. 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

14. Richard Maffei, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.
15. 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.
16. At the time of executing this Consent Agreement, Mr. Maffei 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.
17. Mr. Maffei 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.
18. 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.
19. Mr. Maffei 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.
20. 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. Maffei 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.

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

Richard Maffei

Dated: June 11, 2008

Richard Maffei

State of Florida, _____, ss

Subscribed and Sworn to before me
this _____ day of _____, ____.

Notary Public

(printed name)

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: July 25, 2008

Mila Kofman, Superintendent

FOR THE DEPARTMENT OF THE ATTORNEY GENERAL

Dated: June 30, 2008

Assistant Attorney General

(printed name)