

**STATE OF MAINE  
BUREAU OF INSURANCE**

**Docket No. INS-08-227**

**CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Dennis J. Vogelsberger, a resident of Ohio; 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. Dennis J. Vogelsberger applied for a Maine Nonresident Producer License in May, 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. Vogelsberger answered “No” to Item (2).
5. The application included Mr. Vogelsberger's “Certification and Attestation” with 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. Vogelsberger's Wisconsin license had been denied in 1995, for failing to make a required disclosure in a license application.
7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated June 4, 2008, an explanation for Mr. Vogelsberger's failure to disclose the Wisconsin matter, and requested relevant documentation.
8. Mr. Vogelsberger's reply to the Bureau's letter provided a description and documentation of the Wisconsin matter as well as the 1983 West Virginia matter with which Wisconsin's nondisclosure issues were concerned. Mr. Vogelsberger's reply also referred to the fact that his Wisconsin license application had actually been suspended for thirty days; therefore, the Wisconsin license ultimately was issued. His letter to Maine did not,

however, give an explanation for failing to disclose these matters in the Maine application.

### **CONCLUSIONS OF LAW**

9. The application form's disclosure questions specifically require disclosure of insurance administrative matters.
10. Mr. Vogelsberger provided incorrect, misleading, incomplete or materially untrue information in his Maine application for nonresident producer licensing by his inaccurate response to disclosure Item (2), and has not provided an adequate legal explanation for his failure to provide complete and accurate information in the application.
11. 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**

12. Dennis J. Vogelsberger, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.
13. 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.
14. At the time of executing this Consent Agreement, Mr. Vogelsberger 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.
15. Mr. Vogelsberger 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.
16. 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.
17. Mr. Vogelsberger 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.
18. 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. Vogelsberger 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.

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

**Dennis J. Vogelsberger**

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

\_\_\_\_\_  
Dennis J. Vogelsberger

State of Ohio, \_\_\_\_\_, ss

Subscribed and Sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
(printed name)

**THE MAINE SUPERINTENDENT OF INSURANCE**

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

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

**FOR THE DEPARTMENT OF THE ATTORNEY GENERAL**

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

\_\_\_\_\_  
**Assistant Attorney General**

\_\_\_\_\_  
(printed name)