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STATE OF MAINE
BUREAU OF INSURANCE

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In re: **COLLEEN SMITH** **Maine License # PRR 187955** **National Producer # 16169887**	**Docket No. INS-11-221** **CONSENT AGREEMENT**

    This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Colleen Smith, a resident of Maine; the Maine Superintendent of Insurance; and the Maine Office of the Attorney General. Its purpose is to resolve, in lieu of an adjudicatory proceeding, a violation of the Insurance Code for which the Superintendent may impose discipline pursuant to Title 24-A M.R.S. §1417(1) and §§1420-K(l)(A).

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STATEMENT OF FACTS

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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. The Superintendent has jurisdiction over this matter pursuant to the Insurance Code generally, Title 24-A Maine Revised Statutes, in particular, 24-A M.R.S. §§ 12-A, 211, and 229, as well as other provisions.
2. Colleen Smith has been licensed in Maine as a resident insurance producer since March 10, 2011. Her Maine Producer Number is PRR 187955. Her National Producer Number is 16169887.
3. When Ms. Smith applied for a Maine Resident Producer License, she answered "No" to the following background question on the electronic application form which she filed: "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?"
4. The application included Ms. Smith'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."

5. Bureau staff approved Ms. Smith's application and issued the producer license, effective March 10, 2011.
6. In June 2011, Ms. Smith notified the Bureau that there were in fact two existing convictions, stating: "This letter is to inform you of charges that were found on a recent background check."
7. One conviction was for Class D Violation of Protective Order, 17-A M.R.S. §506(B) in 2000.
8. The other conviction was for Class D Forgery, 17-A M.R.S. §703(1)(A) in 2001.

9. Ms. Smith explained the domestic background and context of these offenses, but as to the failure to disclose in response to the application's question whether she had ever been convicted of a crime, stated: "I apologize for not reporting this but thought since it had been over 7 years since it occurred, it wouldn't matter."

CONCLUSIONS OF LAW

10. The application form's disclosure questions specifically require disclosure of whether the applicant has "ever" had a conviction. Ms. Smith provided incorrect, misleading, incomplete or materially untrue information in her 2011 Maine application by failing to disclose two Maine convictions and certifying in the application that the information was true and complete.
11. The provision of incorrect, misleading, incomplete or materially untrue information in a license application constitutes grounds for denial of the license application, revocation of the license, or other appropriate action, including the imposition of a civil penalty, under 24-A M.R.S. §1420-K(l)(A).
12. Ms. Smith became licensed pursuant to the application as originally filed, later disclosing the existence of the convictions.
13. Obtaining a license through misrepresentation constitutes grounds for denial of the license application, revocation of the license, or other appropriate action, including the imposition of a civil penalty, under 24-A M.R.S. §1420-K(l)(C).

COVENANTS

14. Colleen Smith, the Maine Superintendent of Insurance, and the Maine Office of the Attorney General agree to the following.
15. This Consent Agreement is entered into in accordance with 10 M.R.S. § 8003(5)(B) and is enforceable by an action in the Superior Court.
16. This Consent Agreement is not subject to appeal. Ms. Smith waives any further hearings or appeals regarding the matters that are the subject of this Consent Agreement.
17. At the time of executing this Consent Agreement, Ms. Smith will remit to the Maine Bureau of Insurance a civil penalty in the amount of $250.00, payable to the Treasurer of the State of Maine.
18. Ms. Smith will promptly report any matters to the Maine Bureau of Insurance during all times as she 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.
19. Ms. Smith understands and acknowledges that this Agreement will constitute a public record within the meaning of 1 M.R.S. § 402, and will be available for public inspection and copying as provided for by 1 M.R.S. § 408, and will be reported to the NAIC "RIRS" database.
20. In consideration of the licensee's execution of and compliance with the terms of this Consent Agreement, the Superintendent of Insurance, the Bureau of Insurance, and the Office of the Attorney General agree to forgo pursuing further disciplinary measures or other civil or administrative sanctions available under the Maine Insurance Code for the specific conduct described in this Consent Agreement, other than those agreed to herein.

However, should Ms. Smith violate this Consent Agreement, she 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.

Colleen Smith

Dated: _____, 2011   _____
                                                     Colleen Smith

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: _____, 2011

                                              _____
                                              Eric A. Cioppa, Acting Superintendent

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: _____, 2011   _____
                                                     Assistant Attorney General

                                                     _____
                                              (printed name)