

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

In re:

Dwayne Varney

**National Producer No. 19187138
Maine License Number: PRR332160
Docket No. INS-21-209**

**CONSENT TO ENTRY OF
PROBATIONARY LICENSING ORDER**

The Maine Superintendent of Insurance (the Superintendent), acting in accordance with Maine Revised Statutes Title 24-A (the Maine Insurance Code) and specifically 24-A M.R.S. § 1417, has conducted an investigation into the resident insurance producer license application of Dwayne Varney (Applicant). This Order establishes a probationary license for Applicant who, as evidenced by the signature(s) subscribed on this Order, hereby consents to entry of this Order, agrees that it shall have the same preclusive effect as an order issued after hearing, and waives his right to a hearing and to judicial review.

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. The Superintendent has jurisdiction over this matter pursuant to 24-A M.R.S. §§ 12-A and 211.
2. Applicant was licensed as a resident insurance producer with property and casualty authorities on June 3, 2019. On January 13, 2020, Applicant submitted an application to add life and health authorities. This application disclosed a previously unreported misdemeanor conviction. It also disclosed a December 10, 2019 administrative action taken by the Maine Office of Securities against Applicant's securities license.
3. By Consent Order dated December 10, 2019, Applicant admitted to enrolling two firm clients in additional account services without their authorization while employed by Voya Financial Partners, LLC and Voya Retirement Advisors, LLC (together, Voya) in February 2019. In accordance with the Consent Order, Applicant's Securities agent and investment adviser licenses were revoked, and Applicant agreed to pay a civil fine of \$1,000.00.
4. On February 24, 2020, the Superintendent issued an order revoking Applicant's insurance producer license and denying the application for additional lines of authority. The revocation and denial were based on Applicant's failure to disclose the criminal matter on the 2019 application and the circumstances surrounding the Maine Office of Securities administrative action. Applicant timely requested a hearing.
5. By order dated June 11, 2020, and after a hearing on the matter, the Hearing Officer found that Applicant had violated 24-A M.R.S § 1420-K(1)(A) by providing incorrect, misleading, incomplete or materially untrue information in the license application and violated 24-A M.R.S. § 1420-K(1)(H) by using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere. The Hearing Officer found that the revocation of Applicant's license and the denial of the application for additional authorities were reasonable.

6. On August 16, 2021, Applicant reapplied for a Maine resident insurance producer license and properly disclosed the previous criminal and administrative matters.

CONCLUSIONS OF LAW

7. Pursuant to 24-A M.R.S. § 1418(1), the Superintendent may not issue a license to a person whose license has been revoked until at least one year has expired from the effective date of that revocation. If a person whose license has been revoked decides to reapply for a license, the license applicant shall reestablish qualification for the license in accordance with the provisions of the Maine Insurance Code.

8. Pursuant to 24-A M.R.S. § 1417, the Superintendent may deny, revoke, suspend, place on probation or limit the permissible activities under any license issued under Chapter 16 of the Maine Insurance Code if the superintendent finds that, as to the applicant, any of the causes exist that are listed in section 1420-K.

9. Applicant's conduct, as described in Paragraph 3, constitutes statutory grounds for denial of a license application under the Maine Insurance Code, at 24-A M.R.S. § 1420-K(1)(H).

10. Pursuant to 24-A M.R.S. § 1418(1), the Superintendent may also refuse any such new license applications unless the applicant shows good cause why the prior revocation should not be deemed a bar to the issuance of a new license.

11. The Superintendent finds that at least one year has expired from the effective date of the revocation and that Applicant has demonstrated good cause. However, a probationary license is warranted given the conduct that led to the previous revocation.

ORDERS

12. Based on the foregoing and in accordance with 24-A M.R.S. § 1417, the Superintendent ORDERS that a resident insurance producer license be issued to Applicant, subject to the following terms of probation:

- a. Applicant will comply with all applicable insurance statutes, rules, and regulations;
- b. Applicant will not act in any principal, supervisory, or managerial capacity in the insurance industry without first securing the approval of the Maine Bureau of Insurance;
- c. Within 5 (five) days of learning of any investigations, proceedings, and customer complaints of any type, concerning the Applicant's activities in the insurance industry, Applicant will send written notification of the investigation, proceeding, or complaint to the Superintendent; and
- d. Applicant shall respond to all inquiries of the Superintendent in accordance with 24-A M.R.S. § 220(2).


13. This Probationary Licensing Order is entered in lieu of the Superintendent denying Applicant's license application or otherwise restricting it under 24-A M.R.S. § 1417 or § 1420-K. Should Applicant fail to adhere to any of the above Orders, nothing in this agreement limits Superintendent's authority to revoke Applicant's producer license upon these grounds and to take any other available actions.

14. The term of this probation will be for two years from the date of entry of this Order, as evidenced by the Superintendent's signature. Upon the expiration of two years, the probationary terms in Paragraph 12 will no longer apply.

15. This Probationary Licensing Order is enforceable by the Superintendent and/or by an action in Maine Superior Court pursuant to 24-A M.R.S. § 214.

16. This Probationary Licensing Order is a public record within the meaning of 1 M.R.S. § 402(3) and will be reported to the Regulatory Information Retrieval System database at the National Association of Insurance Commissioners.

SO ORDERED: 9/8, 2021.

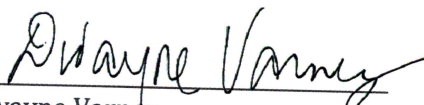


ERIC A. CIOPPA
Superintendent of Insurance

CONSENT TO ENTRY OF ORDER

I, Dwayne Varney, state that I have read the foregoing Probationary Licensing Order and that I know and fully understand the contents hereof; that the factual allegations stated herein are true and correct; that I have been advised of my right to a hearing, and that I have the right to be represented by counsel in this matter; that I voluntarily consent to the entry of this Probationary Licensing Order without any force or duress, expressly waiving any right to a hearing in this matter, as well as any rights to administrative or judicial review of this Probationary Licensing Order; that I understand that the Superintendent reserves the right to take further actions against me to enforce this Probationary Licensing Order or to take appropriate action upon discovery of other violations of the Insurance Code by me; and that I will fully comply with the terms and conditions stated herein. I also understand that a person whose license has been revoked twice may not again be eligible for any license under the Maine Insurance Code in accordance with 24-A M.R.S. § 1418(2).

I understand that this Order is a public document.



Dwayne Varney

09/08/2021

Date