



ANGUS S. KING, JR.
GOVERNOR

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF INSURANCE
34 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0034

ALESSANDRO A. IUPPA
SUPERINTENDENT

**IN RE NORTHEAST EYE & HEALTH
f/k/a MAINE VISION SERVICE
CORPORATION**

DOCKET NO. INS-01-2528

CONSENT AGREEMENT

Northeast Eye & Health, the Maine Superintendent of Insurance (the "Superintendent"), and the Maine Department of the Attorney General hereby enter into this Consent Agreement, pursuant to 10 M.R.S.A. § 8003(5)(B), to resolve without an adjudicatory hearing issues arising out of Northeast Eye & Health's corporate name change.

Stipulations

1. The Superintendent is the official charged with administering and enforcing the insurance laws of the State of Maine.
2. Northeast Eye & Health is a Maine nonprofit corporation with a principal place of business in Standish, and has been authorized by the Superintendent pursuant to 24 M.R.S.A. § 2305 to do business in the State of Maine as a nonprofit health care service corporation.
3. Northeast Eye & Health was incorporated as Maine Vision Service Corporation on July 11, 1965 "to establish, maintain and operate a non-profit optometric service plan under Maine Revised Statutes Annotated, 1964, Title 24, Chapter 19."
4. In 1965 and at all subsequent times, Chapter 19 has contained a provision, 24 M.R.S.A. § 2302, requiring that "The articles of incorporation, and amendments thereto, of every corporation organized under this chapter shall be submitted to the superintendent for approval, which, if granted, shall be indorsed thereon before the same are filed with the Secretary of State."



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5. On January 26, 2001, the Secretary of State approved Articles of Amendment changing the corporate name from Maine Vision Service Corporation to Northeast Eye & Health. Those Articles of Amendment had not previously been submitted to the Superintendent for approval.

6. Northeast Eye and Health admits that its failure to seek prior authorization of the name change violates 24 M.R.S.A. § 2302.

Covenants

Northeast Eye & Health, the Superintendent, and the Department of the Attorney General agree as follows:

7. 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.

8. Pursuant to 24-A M.R.S.A. § 12-A(1), Northeast Eye & Health agrees to the imposition of a civil penalty of \$100, and shall submit a check for that amount, payable to the Treasurer of the State of Maine, at the time of the execution of this Agreement.

9. Upon Northeast Eye & Health's execution of this Agreement and payment of the specified civil penalty, the Superintendent agrees to approve the name change retroactive to January 26, 2001, subject to Northeast Eye & Health's filing of the approved Articles of Amendment with the Secretary of State within ten days after receiving the Superintendent's signed approval.

10. In consideration of Northeast Eye & Health's execution of and compliance with the terms of this Consent Agreement, the Superintendent agrees to forgo pursuing any disciplinary measures or other civil or administrative sanction for the actions described in the Stipulations, other than those agreed to in this Consent Agreement. However, should Northeast Eye & Health violate this Consent Agreement, the Superintendent reserves the right to pursue any available legal remedy for the violation, including without limitation the suspension or revocation of Northeast Eye & Health's certificate of authority to offer health coverage in the State of Maine.

11. The parties to this Agreement understand that nothing herein shall affect any rights or interests that any person not a party to this Agreement may possess.

12. Northeast Eye & Health understands and acknowledges that this Agreement will constitute a public record within the meaning of 1 M.R.S.A. § 402, will be available for public

inspection and copying as provided for by 1 M.R.S.A. § 408, and will be reported to the National Association of Insurance Commissioners' "RIRS" database.

13. Northeast Eye & Health has been advised of its right to consult with counsel, and has consulted with counsel before executing this Agreement.

14. This Consent Agreement may be modified only by a written agreement executed by all of the parties.

FOR NORTHEAST EYE & HEALTH

Dated: 8/6/01

U. Charles Rammel
(signature)

Clerk - Attorney-in-Fact
(printed name and title)

Personally appeared before me this day U. Charles Rammel, and signed this Consent Agreement in my presence.

Linda L. Porter
Notary Public

LINDA L. PORTER
Notary Public, Maine

My Commission Expires January 19, 2007

FOR THE DEPARTMENT OF THE ATTORNEY GENERAL

Dated: Aug. 15, 2001

Thomas C. Sturtevant
Thomas C. Sturtevant, Jr., AAG

BY THE SUPERINTENDENT OF INSURANCE

Dated: 8/15/2001

Alessandro A. Iuppa
Alessandro A. Iuppa, Superintendent