

**STATE OF MAINE
BUREAU OF INSURANCE**

In re:

**Melvina L. Mosley
National Producer #410717**

Docket No. INS 04 - 232

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Melvina Lynette Mosley, a resident of Rhode Island; the Maine Bureau 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. Melvina Lynette Mosley applied for a Maine Nonresident Producer License in May, 2004.

Failure to disclose administrative matter

3. Item 39 (2) on the "Uniform Application for Individual Insurance Producer License" form as 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 ever been involved in an administrative proceeding regarding any professional or occupational license? 'Involved' means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. 'Involved' also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. 'Involved' also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee."

4. Ms. Mosley answered "No" to Item 39 (2).

5. The application included Ms. Mosley's signature dated "03 15 04" 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 routine application review process, that the applicant had been the subject of a consent order dated May 25, 2001 in the State of New Jersey for transacting business with an expired license, which resulted in a penalty of \$3,500.00.

7. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated June 2, 2004, an explanation for Ms. Mosley's failure to disclose the New Jersey consent order, and requested documentation.

8. Ms. Mosley's written reply, dated June 16, 2004, stated:

"My failure to disclose the previous administrative action in New Jersey under question 39(2) on my non-resident license application was an oversight for which I apologize. Not having sold P&C insurance in New Jersey for over two years, I did not include that state in my thoughts as I responded to the question.

"These were the circumstances around the action in New Jersey:

- The state mailed my 2000 license renewal to my resident address instead of to my P.O. mailbox, which I retain because of previous mail delivery problems.
- Unaware that my license had expired, I continued to sell policies (53 total) in NJ from the expiration date of 4/30/2000 until 9/07/2000 until the expiration was brought to my attention.

"I am enclosing a copy of the New Jersey Consent Order and other related documentation as requested."

CONCLUSIONS OF LAW

9. The application form's disclosure questions specifically require disclosure of insurance administrative matters. Melvina Lynette Mosley provided incorrect, misleading, incomplete or materially untrue information in her Maine application for nonresident producer licensing by failing to disclose the New Jersey consent order when she applied, certified by her signature that the information was true and complete, and has not provided an adequate legal explanation for this failure to provide accurate information.

10. 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

11. Melvina Lynette Mosley, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.

12. 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.

13. At the time of executing this Consent Agreement, Ms. Mosley 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.

14. Ms. Mosley 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.

15. 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 she has applied.

16. Ms. Mosley 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.

17. 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 Ms. Mosley 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 to the applicant under the Maine Insurance Code.

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

Melvina Lynette Mosley

Dated: _____, _____

Melvina Lynette Mosley

State of Rhode Island, _____, ss
Subscribed and Sworn to before me
this _____ day of _____, _____.

Notary Public

(printed name)

THE MAINE BUREAU OF INSURANCE

Dated: _____, _____

By Alessandro A. Iuppa, Superintendent

FOR THE DEPARTMENT OF THE ATTORNEY GENERAL

Dated: _____, _____

Assistant Attorney General

(printed name)