

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

**IN RE:
JAMES FRANCIS MOONEY**

Docket No. INS 05-216

Maine License #PRR 16049

NIPR # 384739

**CONSENT AGREEMENT
AND ORDER**

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among James Francis Mooney, a Maine resident; 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)(N).

**STATEMENT OF FACTS
and
APPLICABLE LAW**

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. James Francis Mooney has been licensed in Maine as a resident insurance producer since 1984. His license number in Bureau of Insurance records is PRR 16049.
3. On June 22, 2004, Mr. Mooney was convicted in Kennebec County Superior Court, Augusta, Maine, of six Class D counts of violating 36 M.R.S.A. §5332, for failure to make and file Maine income tax returns for six years.
4. The facts upon which Mr. Mooney's convictions are based establish that he failed to pay state income tax for the years 1997, 1998, 1999, 2000, 2001, and 2002.
5. Under 24-A M.R.S.A. §1417 and §1420-K(1)(N), after notice and opportunity for hearing, the Superintendent may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or may levy a civil penalty in accordance with section 12-A, or take any combination of such actions, for failing to pay state income tax.

COVENANTS

6. James Francis Mooney, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.

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. At the time of executing this Consent Agreement, Mr. Mooney will remit to the Maine Bureau of Insurance a civil penalty in the amount of \$500.00, payable to the Treasurer of the State of Maine.

9. Mr. Mooney 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, with specific reference to 24-A M.R.S.A. §§ 1419 and 1420-P, and will comply in all other respects with the provisions of the Maine Insurance Code, as applicable.

10. Mr. Mooney 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.

11. In consideration of Mr. Mooney’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 specific facts described in this Consent Agreement, other than those agreed to herein. However, should Mr. Mooney 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 to the applicant under the Maine Insurance Code.

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

**CONSENT AGREEMENT
and
EXECUTION OF ORDER**

This Consent Agreement and Order is a final agency action of the Superintendent of Insurance and is entered into in lieu of further pursuing the revocation of this license based upon the facts stated above. It is reportable as a public record and contains specific legal findings, and will be reported to the NAIC “RIRS” database. The entry of this Order is specifically consented to, and it is a consent agreement within the meaning of 10 M.R.S.A. §8003(5)(B). This Consent Agreement and Order is enforceable by an action in Superior Court, is not subject to review or appeal, and may be modified only by a written document executed by all parties. Nothing in this Consent Agreement and Order shall affect the rights or interests of any person who is not a party to this Agreement.

Dated: _____, 2005

James Francis Mooney

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

Notary Public/Attorney

(printed name)

PER ORDER OF THE SUPERINTENDENT OF INSURANCE

Dated: _____, 2005

ALESSANDRO A. IUPPA
Superintendent, Maine Bureau of Insurance

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: _____, 2005

Assistant Attorney General

(printed name)