

**STATE OF MAINE
BUREAU OF INSURANCE**

**Heath Moreau
National Producer # 7640290**

Docket No. INS-07-212

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Heath Moreau, a resident of Florida; the Maine Superintendent 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. Heath Moreau applied for a Maine Nonresident Producer License in July, 2007.
3. Item 1 of the background questions on the application form electronically filed in connection with Mr. Moreau's application required a response to the following question:

“Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?”

4. Mr. Moreau answered “Yes” to Item (1), and forwarded documentation concerning a Florida misdemeanor conviction in 2005 related to “attaching tag not assigned.” Mr. Moreau's accompanying explanation indicated that this related to the switching of license plates from one vehicle which he no longer owned to another, and he stated that he did not realize at the time that it would be considered a crime.
5. Item 2 of the background questions on the application form electronically 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?”

6. Mr. Moreau answered “No” to Item (2).
7. The application included Mr. Moreau's “Certification and Attestation” 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.”

8. Staff of the Maine Bureau of Insurance discovered, through its application review process, that Mr. Moreau had been subject to an action in the State of California as an insurance producer in 2006 based upon failure to disclose the above matter in a license application, and resulting in a penalty in the amount of \$100.00.
9. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated July 19, 2007, an explanation for Mr. Moreau's failure to disclose the California penalty, and requested relevant documentation.
10. Mr. Moreau's reply, by facsimile with attachments on July 24, 2007, provided documentation and an explanation of the underlying incidents, and stated the following regarding the nondisclosure issue:

“On the non-resident licensing application, question number one clearly states that one can exclude misdemeanor traffic violations, which is what I did.

“I deeply apologize for any miscommunication or inconvenience, but I truly feel my biggest error was paying the CA fine instead of disputing the ruling. Please let me know the steps I need to take in order to maintain my LA license.

“Enclosed are my court documents regarding the incident.

“Once again I do humbly apologize for this miscommunication as I did not intend to Fraudulently (*sic*) fill out any information on my application with the state of Louisiana.”

11. The references to Louisiana notwithstanding, the Bureau has taken Mr. Moreau's reply as intending to be responsive to the Maine Licensing Supervisor's July 19 letter.

CONCLUSIONS OF LAW

12. The application form's disclosure questions specifically require disclosure of insurance administrative matters.
13. Mr. Moreau provided incorrect, misleading, incomplete or materially untrue information in his Maine application for nonresident producer licensing by failing to disclose the California administrative proceeding and penalty when he applied, and certifying through the “Certification and Attestation” on the application that the information was true and complete, and has not provided an adequate legal explanation for this failure to provide accurate information.
14. 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

15. Heath Moreau, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.

16. 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.
17. At the time of executing this Consent Agreement, Mr. Moreau 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.
18. Mr. Moreau 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, and will comply in all other respects with the provisions of the Maine Insurance Code, as applicable.
19. 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 he has applied.
20. Mr. Moreau 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.
21. 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 Mr. Moreau 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.
22. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.

Heath Moreau

Dated: _____, _____

Heath Moreau

State of Florida, _____, ss

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

Notary Public

(printed name)

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: _____, _____

Eric A. Cioppa, Acting Superintendent

FOR THE DEPARTMENT OF THE ATTORNEY GENERAL

Dated: _____, _____

Assistant Attorney General

(printed name)