

**STATE OF MAINE  
BUREAU OF INSURANCE**

**Docket No. INS-07-224**

**CONSENT AGREEMENT**

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Perry F. Even, a resident of California; 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. Perry F. Even applied for a Maine Nonresident Producer License in May, 2007.

**Failure to disclose administrative matters**

3. 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?”

4. Mr. Even answered “Yes” to Item (2).
5. Mr. Even included documentation and descriptions of incidents in Alabama and Virginia concerning his producer license: a 2003/2004 matter in Alabama relating to a surplus lines brokers bond, and a 2004 action in Virginia relating to a failure to notify of the Alabama matter; as well as information concerning a number of incidents relating to his employing firm but not involving him personally.
6. The application included Mr. Even'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.”

7. Staff of the Maine Bureau of Insurance discovered, through its application review process, that Mr. Even had also been subject to a settlement with the Commonwealth of

Massachusetts in 2004 involving a \$750.00 penalty, and a consent order with the State of New Hampshire in 2005 involving a \$600.00 penalty.

8. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated May 18, 2007, an explanation for Mr. Even's failure to disclose the Massachusetts and New Hampshire penalties, and requested relevant documentation.
9. Mr. Even's reply dated May 16, 2007, forwarded through a licensing consultant firm and received on June 8, 2007, referred in general to certain matters pertaining solely to his employing firm and again included the Alabama and Virginia documentation concerning his license, but did not make reference to the Massachusetts and New Hampshire penalties, nor to his failure to disclose those matters in his application as requested in the Supervisor of Licensing's May 18 letter.
10. Following the receipt of the above letter, the Maine Supervisor of Licensing spoke with a representative of the licensing consultant firm by telephone and explained that the reply received June 8 was not responsive.
11. Mr. Even's further reply dated June 27, 2007, forwarded through the licensing consultant firm and received on July 6, 2007, referred to the Massachusetts and New Hampshire penalties, but did not include the requested documentation, nor provide an explanation for his failure to disclose those matters in his application as requested in the Supervisor of Licensing's May 18 letter.
12. The Maine Supervisor of Licensing spoke with a representative of the licensing consultant firm by telephone on July 11, 2007 and explained that the reply received July 6 was still not responsive, as outlined in Paragraph 11 above.
13. On September 10, 2007 the Maine Supervisor of Licensing spoke with another representative of the licensing consultant firm, who indicated that he would work on providing the requested information.
14. By cover letter to the Bureau dated September 12, 2007, the licensing consultant firm provided an additional copy of Mr. Even's June 27, 2007 statement referring to the Massachusetts and New Hampshire penalties, but still did not include the requested documentation, nor provide an explanation for his failure to disclose those matters in his application, all as requested in the Supervisor of Licensing's May 18 letter.

### **CONCLUSIONS OF LAW**

15. The application form's disclosure questions specifically require disclosure of insurance administrative matters.
16. Mr. Even provided incomplete information in his Maine application for nonresident producer licensing by failing to disclose the Massachusetts and New Hampshire penalties when he applied, and certifying by his signature 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.
17. 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**

18. Perry F. Even, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.
19. 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.
20. At the time of executing this Consent Agreement, Mr. Even will remit to the Maine Bureau of Insurance a civil penalty in the amount of \$250.00, payable to the Treasurer of the State of Maine.
21. Mr. Even 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.
22. 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.
23. Mr. Even 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.
24. 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. Even 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.
25. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.

**(Execution page follows)**

**Perry F. Even**

Dated: \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Perry F. Even

State of California, \_\_\_\_\_, 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)