

**STATE OF MAINE
BUREAU OF INSURANCE**

Docket No. INS-08-229

CONSENT AGREEMENT

This document is a Consent Agreement authorized by Title 10 M.R.S.A. § 8003(5), entered into among Steven T. Seitzinger, 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. Steven T. Seitzinger was previously licensed in Maine as a nonresident insurance producer from July 10, 2006 until October 15, 2007.
3. During his period of licensure, a licensing staff member of the Bureau of Insurance requested, by letter dated August 10, 2007, information concerning an administrative action that had been recently taken in the State of New York concerning Mr. Seitzinger's producer license in that state, concerning failure to timely notify the Department of a misdemeanor conviction for driving while intoxicated.
4. The Bureau did not receive a response to the August 10 letter; hence Mr. Seitzinger's Maine license was terminated on October 15, 2007 by Order of the Acting Superintendent, after notice and opportunity for hearing.
5. Mr. Seitzinger reapplied for a Maine Nonresident Producer License in May, 2008.
6. Item 1 of the background questions on the application form electronically filed in connection with this application required disclosure of any criminal convictions. The application's instructions allow misdemeanor convictions for driving while intoxicated to be excluded.
7. 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, or manager of limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration.”

8. Mr. Seitzinger answered “No” to Item (2).
9. The application included Mr. Seitzinger's “Certification and Attestation” with 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.”

10. Staff of the Maine Bureau of Insurance discovered, through its application review process, that in addition to the April 2007 New York action resulting in a penalty of \$750, Mr. Seitzinger’s Virginia license was revoked in August 2007 for failing to respond concerning the New York action (his Virginia license has since been reinstated), and he had also been the subject of another action in New York in March 2008 for a late or insufficient response concerning the Virginia order, and in April 2008, was also subject to a consent order in Delaware involving a penalty of \$400 for failing to timely report the New York and Virginia actions.
11. The Supervisor of Licensing for the Maine Bureau of Insurance requested, by letter dated May 30, 2008, an explanation for Mr. Seitzinger’s failure to disclose the New York, Virginia, and Delaware matters, and requested relevant documentation.
12. Mr. Seitzinger’s reply to the Bureau's letter provided a description and full documentation of the other states' matters. Mr. Seitzinger’s reply also asserted that his incorrect response to the disclosure item in the application was due to error and not through an intent to mislead.

CONCLUSIONS OF LAW

13. The application form’s disclosure questions specifically require disclosure of insurance administrative matters.
14. Mr. Seitzinger provided incorrect, misleading, incomplete or materially untrue information in his Maine application for nonresident producer licensing by his inaccurate response to disclosure Item (2), and has not provided an adequate legal explanation for his failure to provide complete and accurate information in the application.
15. 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

16. Steven T. Seitzinger, the Maine Bureau of Insurance, and the Maine Department of the Attorney General agree to the following.
17. 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.
18. At the time of executing this Consent Agreement, Mr. Seitzinger 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.
19. Mr. Seitzinger 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.

20. 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.
21. Mr. Seitzinger 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.
22. 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. Seitzinger 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 under the Maine Insurance Code.
23. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.

Steven T. Seitzinger

Dated: _____, _____

Steven T. Seitzinger

State of Florida, _____, ss

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

Notary Public

(printed name)

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: _____, _____

Mila Kofman, Superintendent

FOR THE DEPARTMENT OF THE ATTORNEY GENERAL

Dated: _____, _____

Assistant Attorney General

(printed name)