

**STATE OF MAINE  
BUREAU OF INSURANCE**

IN RE:

DAVID G. YOUNG

**CONSENT AGREEMENT**

Maine License No. PRR35922  
National Producer No. 3679727

Docket No. INS-10-212

**INTRODUCTION**

David G. Young, a former Maine-licensed insurance producer, the Maine Superintendent of Insurance (“the Superintendent”), and the Office of the Maine Attorney General hereby enter into this Consent Agreement pursuant to 10 M.R.S.A. § 8003(5)(B) to resolve, without an adjudicatory proceeding, violations of the Maine Insurance Code under a license issued by the Bureau. As more fully set out below, Mr. Young violated the Maine Insurance Code by (a) being convicted of crimes for which incarceration for one year or more may be imposed, and (b) failing to report his prosecution to the Superintendent.

**PARTIES**

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. The Superintendent has jurisdiction over this matter pursuant to 24-A M.R.S. §§ 12-A, 211, and 229.

2. David G. Young was licensed in Maine as a resident insurance producer from 1992 to 2010. His Maine Producer Number is PRR35922. His National Producer Number is 3679727. Mr. Young surrendered his Maine producer license on June 1, 2010.

**STATUTORY AUTHORITY**

3. Under 24-A M.R.S. §§ 1417 and 1420-K(1)(H), 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 violating any insurance laws, or violating any rule, regulation, subpoena or order of the Superintendent or of another state’s insurance commissioner.

4. Pursuant to 24-A M.R.S. § 1420-K(5), the Superintendent retains the authority to take the above actions even if the producer’s license has been surrendered.

5. Pursuant to 10 M.R.S. § 8003(5), the Superintendent may resolve a complaint by entering into a consent agreement with a licensee and with the agreement of the Attorney General.

## **FACTS**

6. On September 9, 2009, a federal grand jury indicted Mr. Young on one felony count of theft of government property under 18 U.S.C. § 641 and three felony counts of filing a false tax return under 26 U.S.C. § 7206. A superseding indictment filed on March 18, 2010 alleged the same violations of federal law.

7. Specifically, the superseding indictment alleged that from about September 9, 2004, until about September of 2005 Mr. Young “[d]id knowingly embezzle, steal, purloin and convert to his own use and the use of another,” federal benefit payments from the Office of Personnel Management intended for his deceased mother in law. The indictment further alleges that Mr. Young failed to report the benefit payments on his tax returns in 2003, 2004, and 2005.

8. The federal crime of theft of government property carries a maximum penalty of 10 years imprisonment. 18 U.S.C. § 641. The federal crime of filing a false tax return carries a maximum penalty of 3 years imprisonment. 26 U.S.C. § 7206.

9. Mr. Young was arraigned in the United States District Court, District of Maine, docket number 09-cr-00140-JAW, at an initial pretrial hearing on September 23, 2009.

10. A jury trial was held from April 12 to April 15, 2010. On April 15, 2010, the jury convicted Mr. Young on all counts.

11. Mr. Young never reported the above prosecution to the Superintendent.

## **COVENANTS**

12. Mr. Young admits to the Facts as stated above and admits that these Facts constitute a basis for imposing discipline against him as follows:

a. Pursuant to 24-A M.R.S. § 1420-K(1)(F) for having been convicted of crimes for which incarceration for one year or more may be imposed.

b. Pursuant to 24-A M.R.S. § 1420-P(2) for failing to report to the Superintendent the criminal prosecution against him in United States District Court, District of Maine, docket number 09-cr-00140-JAW.

13. Mr. Young agrees that his Maine producer license, Number PRR35922, will be revoked as of the date of the Superintendent’s signature below, which signature shall constitute the Superintendent’s action of revoking this license.

14. As of the date of Mr. Young’s signature, Mr. Young will not conduct the business of insurance, directly or indirectly, or serve in any adjunct or advisory capacity to any person conducting the business of insurance.

15. Mr. Young agrees that the license revocation under Paragraph 13 and restrictions under Paragraph 14 are permanent, and that he will not reapply for any form of insurance license, or engage in the business of insurance in Maine, at any time in the future.

16. The Parties to this Consent Agreement understand that nothing herein shall affect any rights or interest that any person not a party to this Agreement may possess.

17. Nothing in this Consent Agreement shall be construed to excuse any obligation or duty of Mr. Young to past or present clientele.

18. In return for Mr. Young's execution of this Consent Agreement, the Superintendent and the Attorney General agree that no further action will be initiated against Mr. Young by the Bureau of Insurance for the specific violations of the Insurance Code admitted to herein, unless he fails to comply with the terms and conditions of this Consent Agreement. This Consent Agreement does not preclude the State of Maine or any of its agencies from seeking in a judicial forum any remedy for illegal conduct by Mr. Young other than the specific violations of the Insurance Code expressly resolved through this Consent Agreement.

19. This Consent Agreement is enforceable by an action in Maine Superior Court.

20. This Consent Agreement is not subject to appeal. Mr. Young waives any further hearings or appeals regarding the matters that are the subject of this Consent Agreement.

21. This Consent Agreement may be modified only by a written agreement executed by all of the parties hereto. The Superintendent and the Attorney General each retain absolute discretion to reject any request by Mr. Young to modify, continue, or terminate any or all of the provisions of this Consent Agreement.

22. This Consent Agreement is a public record subject to the provisions of the Maine Freedom of Access Law, 1 M.R.S. §§ 401 through 410, will be available for public inspection and copying as provided for by 1 M.R.S. § 408, and will be reported to the National Association of Insurance Commissioners' "RIRS" database.

23. By his signature on this Consent Agreement, Mr. Young indicates that he has read the Agreement, that he understands the Agreement, that he has reviewed the statutory provisions he has violated, that he has been advised of his right to consult with counsel and has had an opportunity to consult with counsel before signing the Agreement, and that he enters into the Agreement voluntarily and without coercion of any kind from any person.

**DAVID G. YOUNG**

Dated: August 2, 2010

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David G. Young

**THE MAINE SUPERINTENDENT OF INSURANCE**

Dated: August 30, 2010

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Mila Kofman, Superintendent

**FOR THE OFFICE OF THE ATTORNEY GENERAL**

Dated: August 13, 2010

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Jonathan R. Bolton  
Assistant Attorney General