

STATE OF MAINE
BUREAU OF INSURANCE

IN RE:

Shanalyn Henderson

National Producer No. 18335146

CONSENT AGREEMENT

Docket No. INS-17-213

Shanalyn R. Henderson, a nonresident insurance producer applicant, the Maine Superintendent of Insurance ("the Superintendent"), and the Office of the Maine Attorney General ("Attorney General") hereby enter into this Consent Agreement pursuant to 10 M.R.S. § 8003(5)(B) to resolve, without an adjudicatory proceeding, a violation of the Insurance Code for which the Superintendent may impose discipline pursuant to 24-A M.R.S. §§ 1417 and 1420-K.

STATUTORY AUTHORITY

1. Under 24-A M.R.S. §§ 12-A and 1420-K, the Superintendent may issue a warning, censure, or reprimand to a licensee, may suspend, revoke or refuse to renew the license of a licensee, may impose conditions of probation on the licensee, may levy a civil penalty, or may take any combination of such actions, for violating any insurance laws, or violating any rule, regulation, subpoena, or order of the Superintendent. Pursuant to 10 M.R.S. § 8003(5)(B), the Superintendent may resolve a complaint by entering into a consent agreement with a licensee and with the agreement of the Attorney General.

FACTS

2. 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 and 211.

3. Shanalyn R. Henderson is a resident of California and her National Producer Number ("NPN") number is 17765640.

4. On or around September 30, 2004, Ms. Henderson was convicted of petty theft, a misdemeanor in the State of California (Torrance Courthouse District Case No. 4SB07458).

5. On or around July 3, 2017, Ms. Henderson applied for a Maine non-resident producer license. Ms. Henderson answered "No" to the following background question on the electronic application form: "Have you ever been convicted of a misdemeanor, had a judgement withheld or deferred, or are you currently charged with committing a misdemeanor?"

6. The application included Ms. Henderson'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."

7. In her July 2017 application, Ms. Henderson included an order for issuance of a restricted license from her home state of California. It was from this order that the Bureau learned of Ms. Henderson's 2004 misdemeanor conviction.

CONCLUSIONS OF LAW

8. By failing to disclose the existence of her misdemeanor conviction when she applied and certifying that the information was true and complete, Ms. Henderson attempted to obtain her license based in part upon incorrect, misleading, incomplete or materially untrue information in her Maine application. Title 24-A M.R.S. § 1420-K(1)(A) provides that 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 providing incorrect, misleading, incomplete or materially untrue information in the license application.

COVENANTS

9. Ms. Henderson admits to the Facts as stated above and admits that these Facts constitute a basis for imposing discipline upon her.

10. Ms. Henderson agrees to the imposition of a civil penalty in the amount of One Hundred Dollars (\$100.00). This civil penalty will be remitted to the Maine Bureau of Insurance at the time of returning this signed agreement. Payment shall be by check or money order made out to "Treasurer, State of Maine" and addressed to: Licensing Attorney, Maine Bureau of Insurance, 34 State House Station, Augusta, Maine 04333-0034.

11. Ms. Henderson will promptly report any matters to the Bureau of Insurance during all times that she is licensed by 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.

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

13. In consideration of Ms. Henderson's execution of and compliance with the terms of this Consent Agreement, the Superintendent and Attorney General agree to forgo pursuing against Ms. Henderson any further disciplinary measures or other civil or administrative sanctions arising under the Maine Insurance Code concerning the specific conduct described in this Consent Agreement, other than those agreed to herein. However, should Ms. Henderson violate any provision of this Consent Agreement, she may be subject to any available remedy for the violation. Ms. Henderson further acknowledges and agrees that, upon execution of this Consent Agreement, each of the Covenants herein shall constitute an order of the Superintendent.

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

15. This Consent Agreement is not subject to appeal. Ms. Henderson waives any further hearings or appeals regarding the matters that are the subject of this Consent Agreement.

16. This Consent Agreement may be modified only by a written agreement executed by all of the parties hereto.

17. 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-A, and will be reported to the Regulatory Information Retrieval System database at the National Association of Insurance Commissioners.

18. Ms. Henderson agrees that she has read this Consent Agreement, that she understands this Consent Agreement, that she has reviewed the statutory provisions set forth herein, that she understands her right to consult with counsel before signing this Consent Agreement, and that she enters into this Consent Agreement voluntarily and without coercion of any kind from any person.

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SHANALYN HENDERSON

Dated: 11-6-17

By: Shanalyn Henderson
Shanalyn Henderson

THE MAINE OFFICE OF THE ATTORNEY GENERAL

Dated: 1/31/18

By: Colin Hay
Colin Hay
Assistant Attorney General

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: 1-31, 18

By: Eric A. Cioppa
Eric A. Cioppa
Superintendent of Insurance