

STATE OF MAINE  
BUREAU OF INSURANCE

IN RE:

Kevin D. Frisbie  
Maine Producer No. PRR 35081  
National Producer No. 8014457

**CONSENT AGREEMENT AND ORDER**

Docket No. INS-19-224

Kevin D. Frisbie, a licensed resident insurance producer, the Maine Superintendent of Insurance (Superintendent), and the Office of the Maine Attorney General (Attorney General) hereby enter into this Consent Agreement and Order (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 an investigation by entering into a consent agreement with a licensee and with the agreement of the Attorney General.
2. Pursuant to 24-A M.R.S. § 1447, insurance producers must keep complete records of transactions under the license and these records must be available for inspection by the Superintendent for a period of at least three years after the completion of the respective transactions.
3. Pursuant to 24-A M.R.S. § 1420-K(1), 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:
  - a. violating any insurance laws, or violating any rule, regulation, subpoena or order of the superintendent or of another state's insurance commissioner, § 1420-K(1)(B); and
  - b. using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this State or elsewhere, § 1420-K(1)(H).

## **FACTS**

4. 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 the powers set forth in the Insurance Code generally, as well as the specific provisions of 24-A M.R.S. §§ 12-A and 211 and 10 M.R.S. § 8003.

5. Kevin D. Frisbie is a resident of Maine and his National Producer Number ("NPN") is 8014457.

### R.S.

6. On July 19, 2018, Mr. Frisbie met with Maine consumer, R.S., to discuss investment options including the purchase of an equity indexed annuity. In that meeting, R.S. completed forms associated with a transfer of his funds to the annuity contract.

7. On July 20, 2018, Mr. Frisbie electronically completed the following forms associated with the transaction: a Consent to Electronic Receipt, Signature and Delivery of Insurance Application and Electronic Delivery of Related Insurance Application Documents; a Performance Pro Annuity Application; a Performance Pro Statement of Understanding; and a Suitability Acknowledgement Form. Each of these documents required the owner or annuity applicant's signature. R.S. was not present when Mr. Frisbie completed these forms and Mr. Frisbie signed each of the forms electronically as R.S. and uploaded the forms to the annuity issuer.

8. On or around September 14, 2018, R.S. filed a complaint with the Bureau regarding Mr. Frisbie's handling of the transaction.

9. In his response to the complaint, Mr. Frisbie stated that R.S. had signed each of the forms listed in Paragraph 7 in hard copy; however, he was unable to provide copies of the documents because they had been shredded.

### P.P.

10. On April 2, 2019, Mr. Frisbie met with Maine consumer, P.P., to discuss alternate investment options for P.P.'s EquiTrust Life Insurance Company (EquiTrust) annuity. At that meeting, P.P. signed a full surrender form and gave it to Mr. Frisbie to submit to EquiTrust on her behalf. P.P. made a photocopy of the executed full surrender form prior to giving it to Mr. Frisbie; the form was clearly dated "4-2-19".

11. On May 3, 2019, the surrender form was emailed to EquiTrust. Although this was the form that P.P. signed on April 2, 2019, the signature date had been altered. The "4" was written over with a "5."

12. On May 9, 2019, EquiTrust wrote to P.P. stating that a new full surrender form was required because the company is unable to accept forms that have been altered.

13. On or around July 10, 2019, P.P. filed a complaint with the Bureau regarding Mr. Frisbie's handling of the full surrender.

## CONCLUSIONS OF LAW

14. Mr. Frisbie's conduct, as described in Paragraph 7, is a violation of 24-A M.R.S. § 1420-K(1)(H).
15. Mr. Frisbie's conduct, as described in Paragraph 9, is a violation of 24-A M.R.S. § 1447 and, therefore, a violation of § 1420-K(1)(B).
16. The alteration of a client's full surrender form, as described in Paragraph 11, is a violation of 24-A M.R.S. § 1420-K(1)(H).

## COVENANTS

17. Mr. Frisbie admits to the Facts as stated above and admits that these Facts constitute a basis for imposing discipline upon him.
18. Mr. Frisbie agrees to the imposition of a civil penalty in the amount of One Thousand Five Hundred Dollars (\$1,500.00). 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.
19. Mr. Frisbie also agrees to a restitution payment of Fifty Dollars (\$50.00) for the benefit of R.S. The restitution 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.
20. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.
21. This Agreement constitutes an Order of the Superintendent. A violation of its terms is enforceable by the Superintendent pursuant to 24-A M.R.S. §§ 12-A and 215.
22. This Agreement is also enforceable by an action in Maine Superior Court pursuant to 24-A M.R.S. § 214, 10 M.R.S. § 8003(5)(B), and 14 M.R.S. § 3138.
23. This Agreement is not subject to appeal. Mr. Frisbie waives any right he may have to further hearings or appeals regarding the matters that are the subject of this Agreement.
24. This Agreement may be modified only by a written agreement executed by all of the parties hereto.
25. This Agreement is a public record subject to the provisions of the Maine Freedom of Access Act and will be reported to the Regulatory Information Retrieval System database at the National Association of Insurance Commissioners.
26. Mr. Frisbie agrees that he has read this Agreement, that he understands this Agreement, that he has reviewed the statutory provisions set forth herein, that he understands his right to consult with counsel before signing this Agreement, and that he enters into this Agreement voluntarily and without coercion of any kind from any person.

27. In consideration of Mr. Frisbie's execution of and compliance with the terms of this Agreement, the Superintendent and Attorney General agree to forgo pursuing against Mr. Frisbie any further disciplinary measures or other civil or administrative sanctions arising under the Maine Insurance Code concerning the specific conduct described in this Agreement, other than those agreed to herein. However, should Mr. Frisbie violate any provision of this Agreement, he may be subject to any available remedy for the violation.

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**KEVIN D. FRISBIE**

Dated: 10-8-19

  
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Kevin D. Frisbie


**THE MAINE OFFICE OF THE ATTORNEY GENERAL**

Dated: 10/15/19

  
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Lisa A. Wilson  
Assistant Attorney General

**THE MAINE SUPERINTENDENT OF INSURANCE**

Dated: 10-16-19

  
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Eric A. Cioppa  
Superintendent of Insurance