

STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION  
BUREAU OF INSURANCE

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***In re: Safinea Barbee***

Maine License Number: PRN308745  
National Producer No. 18594075  
**Docket No. INS-19-229**

**LICENSE REVOCATION  
NOTICE, ORDER,  
and  
OPPORTUNITY FOR  
HEARING**

***NOTICE TO SAFINEA BARBEE:***

Effective as of **December 5, 2019**, your Maine nonresident producer license will be **REVOKED** without further formal proceedings unless you request a hearing as specified below. The reasons for your license revocation are as follows:

1. On or around May 8, 2018, you applied for a nonresident producer license in the State of Maine. You answered "No" to all of the application's background questions, including:

Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?

2. On September 21, 2018, documents were posted to the National Insurance Producer Registry Attachment Warehouse disclosing a misdemeanor conviction for petty theft (Denver County Colorado District Court Case Number 13GS012014). This was the first time the Maine Bureau of Insurance (Bureau) staff learned of your conviction. The records show that you received a deferred judgment in November, 2013; however, the deferred judgment was revoked on March 23, 2015. In your description of the circumstances surrounding the conviction, you explained that you were working in a department store and used a voucher that a customer had left behind for your own personal benefit.

3. Bureau staff wrote to you on July 15, 2019, requesting additional documents related to your criminal conviction. You did not respond to the Bureau's inquiry or to follow up requests sent on August 22<sup>nd</sup> and September 24<sup>th</sup>, 2019. Each inquiry stated that a response was due within 30 days pursuant to 24-A M.R.S. § 220.

4. On September 10, 2019, the Commonwealth of Virginia revoked your nonresident producer license for providing materially incorrect, misleading, incomplete or untrue information in a license application because you did not disclose your petty theft conviction. This revocation was not reported to the Bureau as required by 24-A M.R.S. § 1420-P.

5. Your failure to disclose your misdemeanor conviction on your Maine application, as described in Paragraph 1, represents grounds for the revocation of your Maine license pursuant to 24-A M.R.S. § 1420-K(1)(A) for providing incorrect, misleading, incomplete or materially untrue information in the license application.

6. Pursuant to 24-A M.R.S. § 1420-K(1)(F) and 5 M.R.S. § 5301(2), the Superintendent may consider a criminal conviction for which incarceration of less than one year may be imposed if the conviction involves dishonesty or false statement. Convictions may only be considered for a period of three years from the individual's discharge from the correctional system, unless the conduct underlying the conviction is otherwise grounds for disciplinary action. If the conduct is otherwise grounds for disciplinary action, the conduct underlying the conviction is not subject to the three-year limitation. See 5 M.R.S. § 5305. Your conviction for petty theft involves dishonesty or false statement and, because the conduct resulting in the conviction occurred in your workplace, this conduct would otherwise be grounds for discipline under 24-A M.R.S. § 1420-K(1)(H). As such, there is no time limit for the Superintendent's consideration of the conduct underlying the conviction. Pursuant to 24-A M.R.S. § 1420-K(1)(F) and 5 M.R.S. § 5302(1), the Superintendent may revoke a licensee's license if the Superintendent finds that the licensee is not sufficiently rehabilitated to warrant the public trust. Due to your failure to respond to Bureau inquiries regarding the conviction, the Superintendent finds that you are not sufficiently rehabilitated to warrant the public trust.

7. Your failure to respond to Bureau inquiries and provide additional documentation related to your conviction, as described in Paragraph 3, is a violation of 24-A M.R.S. § 220 and represents grounds for the revocation of your insurance producer license pursuant to 24-A M.R.S. § 1420-K(1)(B) for violating insurance laws.

8. As described in Paragraph 4, your failure to report the Virginia revocation is a violation of 24-A M.R.S. § 1420-P and represents grounds for the revocation of your insurance producer license pursuant to 24-A M.R.S. § 1420-K(1)(B) for violating insurance laws.

9. As described in Paragraph 4, the revocation of your Virginia insurance producer license represents grounds for the revocation of your Maine insurance producer license pursuant to 24-A M.R.S. § 1420-K(1)(I) for having an insurance producer license denied, suspended or revoked in any other state.

Therefore, based upon the above grounds, your nonresident producer license is revoked as of **December 5, 2019**, pursuant to 24-A M.R.S. §§ 1417(1) and 1420-K, subject to your right to request a hearing. Under the Maine Insurance Code, specifically 24-A M.R.S. § 1417(1) and § 1420-K, you have the right to a hearing before the Superintendent or his designee to appeal this action. If you request a hearing, you will have the right to present evidence and arguments in your defense.

**If you request a hearing, you will receive further communication regarding scheduling. The matters to be determined through the hearing process are whether you committed one or more of the violations listed above, and if so, the appropriate sanctions for those violations. The sanctions imposed after a hearing can include any available remedy under applicable laws, including the imposition of civil penalties.**

To request a hearing, you must notify the Bureau of Insurance in writing no later than **December 5, 2019**. If you do not file a written request for a hearing within 30 days from the time you knew or reasonably should have known of this act through this Notice and Order, you will lose your right to request a hearing on this matter. Pursuant to 24-A M.R.S. § 213(3), this Notice from the Superintendent to you shall be deemed to have been given when deposited in a mail depository of the United States Post Office.

Any request for a hearing, as well as all other communications regarding this Notice, Order, and Opportunity for Hearing must be addressed to Bureau Licensing Attorney Lindsay J. Laxon, Bureau of Insurance, #34 State House Station, Augusta, Maine 04333-0034 (for US Postal Service deliveries) or 76 Northern Avenue, Gardiner, Maine 04345 (for private carrier deliveries, such as FedEx or UPS). You may also reach Ms. Laxon by e-mail at [Lindsay.J.Laxon@maine.gov](mailto:Lindsay.J.Laxon@maine.gov) or by telephone at (207) 624-8429.

**November 1, 2019**



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Eric A. Cioppa  
Superintendent of Insurance