

STATE OF MAINE
BUREAU OF INSURANCE

IN RE:

Talmadge J. Thomas, Jr.
Maine License No. ADN331870
National Producer No. 1322324

CONSENT AGREEMENT AND ORDER

Docket No. INS-20-200

Talmadge J. Thomas, Jr., a licensed nonresident insurance adjuster, 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 1417 and 1420-K and 10 M.R.S. § 8003(5)(A-1) 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:

- i. providing incorrect, misleading, incomplete or materially untrue information in the license application. § 1420-K(1)(A)
- ii. 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)
- iii. having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory. § 1420-K(1)(I)

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

FACTS

3. 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.

4. Talmadge J. Thomas, Jr. is a resident of Texas and his National Producer Number ("NPN") is 1322324.

5. On or around April 29, 2009, Mr. Thomas was Court Martialed and found guilty of three charges related to his improper receipt of military benefits. He was sentenced to three months' confinement and to be discharged from the Army with a Bad-conduct Discharge. On January 7, 2010, the execution of the Bad-conduct Discharge was suspended for one year.

6. On November 30, 2010, Mr. Thomas received an honorable discharge from the Army.

7. On or around October 25, 2018, the state of Florida denied Mr. Thomas's application for a nonresident all lines adjuster license. The denial was due to the criminal conviction described in Paragraph 5.

8. On or around May 26, 2019, Mr. Thomas applied for a Maine nonresident adjuster license. He answered "no" to the application's background questions including:

- Have you ever been convicted of a military offense, had a judgment withheld or deferred, or are you currently charged with committing a military offense?
- Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration? "Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. "Involved" also means having a license, or registration application denied or the act of withdrawing an application to avoid a denial. INCLUDE any business so named because of your actions in your capacity as an owner, partner, officer or director, or member or manager of a Limited Liability Company.

9. The application included Mr. Thomas'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. The Superintendent issued Mr. Thomas a Maine nonresident adjuster license on May 26, 2019.

11. On or around December 16, 2019, Mr. Thomas submitted his renewal application and answered "no" to the application's background questions including those identified in Paragraph 8. The renewal application's "Certification and Attestation" included the language stated in Paragraph 9 and was signed by Mr. Thomas.

12. In reviewing the application, Bureau staff identified the Florida denial; it was through this action that the Bureau learned of the criminal conviction described in Paragraph 5.

CONCLUSIONS OF LAW

13. By failing to disclose the existence of his criminal convictions when he applied, failing to disclose the Florida denial, and by certifying that the information was true and complete, Mr. Thomas obtained his license based in part upon incorrect, misleading, incomplete or materially untrue information in his Maine application for a non-resident adjuster license in violation of 24-A M.R.S. § 1420-K(1)(A).
14. By collecting military benefits to which he was not entitled, Mr. Thomas used dishonest practices and demonstrated untrustworthiness in the conduct of business in this State or elsewhere in violation of 24-A M.R.S. § 1420-K(1)(H).
15. As a result of Florida's October 25, 2018, denial, Mr. Thomas had an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory in violation of 24-A M.R.S. § 1420-K(1)(I).

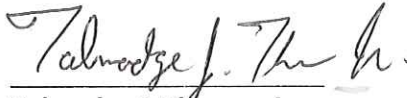
COVENANTS

16. Mr. Thomas admits to the Facts as stated above and admits that these Facts constitute a basis for imposing discipline upon him.
17. Mr. Thomas agrees to the imposition of a civil penalty in the amount of Two Hundred and Fifty Dollars (\$250.00). 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.
18. Nothing in this Agreement shall affect the rights or interests of any person who is not a party to this Agreement.
19. This Agreement constitutes an Order of the Superintendent and a violation of its terms is enforceable by the Superintendent.
20. This Agreement is also enforceable by an action in Maine Superior Court.
21. This Agreement is not subject to appeal. Mr. Thomas waives any further hearings or appeals regarding the matters that are the subject of this Agreement.
22. This Agreement may be modified only by a written agreement executed by all of the parties hereto.
23. 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.
24. Mr. Thomas 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.

25. In consideration of Mr. Thomas's execution of and compliance with the terms of this Agreement, the Superintendent and Attorney General agree to forgo pursuing against Mr. Thomas 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. Thomas violate any provision of this Agreement, he may be subject to any available remedy for the violation.

TALMADGE J. THOMAS, JR.


Dated: 02/14/2020



Talmadge J. Thomas, Jr.

THE MAINE OFFICE OF THE ATTORNEY GENERAL


Dated: 2/27/20



Lisa A. Wilson
Assistant Attorney General

THE MAINE SUPERINTENDENT OF INSURANCE

Dated: 2-22-20



Eric A. Cioppa
Superintendent of Insurance