

SEP 20 2012

STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT

In Re: James M. Foy

Docket No.: Ins. No. 12-032-EP

Consent Order and Settlement Agreement

This Consent Order and Settlement Agreement ("Consent Order") is made between the New Hampshire Insurance Department ("NHID") and James M. Foy ("Mr. Foy"), the terms of which are as follows:

1. Mr. Foy is a licensed New Hampshire insurance producer seeking to renew his resident New Hampshire insurance producer license.
2. The renewal application was submitted on behalf of Mr. Foy to the NHID through the National Insurance Producer Registry. This application asked several background questions about the applicant. Background Question #2 asked Mr. Foy if he had "...been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration, which has not been previously reported to this state." Mr. Foy answered this question, "No."
3. In fact, prior to submitting his renewal application, Mr. Foy had agreed to and signed a Voluntary Settlement Agreement with the North Carolina Insurance Department ("NCDOI"). NCDOI took this administrative action because Mr. Foy's electronic signature was used on one (1) application when the signature should have been that of a producer who was licensed in North Carolina. Mr. Foy paid a fine of \$250. This Agreement was signed by Mr. Foy and then signed by the Senior Deputy Commissioner of the NCDOI, on March 8, 2012.

4. The NCDOI administrative proceeding should have been reported to the NHID within 30 days of the final disposition of the matter. This action was not reported to the NHID as required by RSA 402-J:17, I.

5. Since Mr. Foy did not report the NCDOI action within 30 days of its final disposition, Mr. Foy should have disclosed this action on his renewal application by answering "YES" to Background Question #2. By answering "NO" to Background Question #2 on his renewal application Mr. Foy provided incorrect or materially untrue information in the license application. RSA 402-J:12, I(a) makes it a violation of law to provide incorrect or materially untrue information in a license application.

5. The NHID and Mr. Foy have agreed to enter into this Consent Order in order to resolve all issues related to the above-stated matters.

WHEREFORE, upon mutual consent of the NHID and Mr. Foy, it is hereby agreed and ordered:

A. The foregoing recitals are hereby adopted, incorporated and made a part of this Consent Order.

B. Mr. Foy waives the statutory right to an adjudicative hearing on this matter.

C. Mr. Foy agrees to comply with all insurance laws of the State of New Hampshire, including, but not limited to, all provisions of Chapter 402-J of the New Hampshire Revised Statutes.

D. Mr. Foy further agrees to pay to the NHID the amount of \$2,500.00 (Two thousand, Five Hundred Dollars) in final settlement of the allegations described in this Consent Order. Payment in full of said amount shall be payable upon Mr. Foy's

execution of this Consent Order. The settlement check shall be made payable to: "Treasurer, State of New Hampshire" and mailed to the New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, New Hampshire 03301, to the attention of Ms. Carolyn Petersen.

F. By entering into this Consent Order, the NHID and Mr. Foy intend to resolve all issues relating to the above mentioned matters. This Consent Order shall be deemed a complete settlement and full and final resolution, and is in lieu of any other action that could have been brought by the NHID relating to matters disclosed herein. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should Mr. Foy violate any provision of the State's insurance laws in the future.

G. This Order shall be construed and enforced in accordance with, and governed by, the laws of the State of New Hampshire without regard to principles of conflict of laws.

IT IS SO ORDERED.

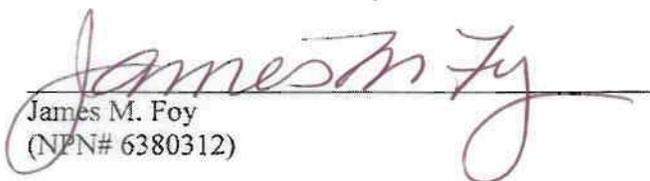
NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 9-20-12



Roger A. Sevigny, Commissioner

Date: 9-19-20



James M. Foy
(NPN# 6380312)