



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

COMMONWEALTH OF MASSACHUSETTS
Office of Consumer Affairs and Business Regulation
DIVISION OF INSURANCE

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JAY ASH
SECRETARY OF HOUSING AND
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JOHN C. CHAPMAN
UNDERSECRETARY

DANIEL R. JUDSON
COMMISSIONER OF INSURANCE

March 3, 2016

Kathleen D. Kuntz
Esco Insurance Agency, LLC
3215 Fernbrook Lane N
Plymouth, MN 55447

RE: Esco Insurance Agency, LLC – SIU Investigation Case No. 9207

Dear Ms. Kuntz:

Enclosed please find a copy of the executed *Settlement Agreement* between Esco Insurance Agency, LLC (“Esco”) and the Massachusetts Division of Insurance (“Division”). The Division considers April 5, 2016 the closing date for this matter and the date of final action for reporting purposes to other jurisdictions.

Esco may be required to report this action in other jurisdictions where it holds an insurance producer license. The Division recommends contacting the relevant jurisdictions for information about reporting requirements including the time limits for disclosure. ***In addition, Esco must report this administrative action on the next application or renewal application it submits to the Division. Please read all questions on the application carefully.***

Thank you for your assistance and please do not hesitate to contact me at 617-521-7364 if you have questions about this settlement.

Very truly yours,

Mary Ellen Thompson
Counsel to the Commissioner

Enclosure



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March 29, 2016

Kathleen D. Kuntz
Esco Insurance Agency, LLC
3215 Fernbrook Lane N
Plymouth, MN 55447

RE: Esco Insurance Agency, LLC
SIU Investigation Number 9207

Dear Ms. Kuntz:

I represent the Massachusetts Division of Insurance (“Division”) with regard to the above-captioned investigation. The Division has cause to believe that Esco Insurance Agency, LLC (“Esco”) violated the Massachusetts insurance laws as set forth below.

According to Division licensing records, Esco allowed its Massachusetts business entity insurance producer license to lapse on November 22, 2015 and sold insurance in Massachusetts from that time until a new business entity insurance producer license was processed on January 13, 2016. The Division alleges that Esco wrote or renewed 81 Massachusetts insurance policies during the unlicensed period, resulting in premiums of \$23,134.00 and \$4,627.00 in commissions. This is the second time Esco’s Massachusetts producer license has lapsed. In 2012, the Division fined Esco \$25,000.00 for offenses that included selling policies while unlicensed from March 4, 2010 until November 21, 2011. During that time, Esco sold over 2,155 policies.

The Division alleges that during this most recent unlicensed period, Esco committed at least 81 violations of M.G.L. c.175, § 175. The penalty for each violation is a fine of not less than ten nor more than one hundred dollars. The Division also alleges that each violation of M.G.L. c. 175, § 175 is a violation of M.G.L. c. 175, §162R(a)(2). The penalty for each violation of M.G.L. c. 175, § 162R(a)(2) is a fine of not more than \$1,000.00 pursuant to M.G.L. c. 176D, § 7 and having the agency’s Massachusetts business entity insurance producer license placed on probation, suspended or revoked.

The Division is authorized to issue an order requiring Esco to show cause why it should not be made to cease and desist from the above-alleged conduct. If, after a public hearing, the Commissioner of Insurance finds that Esco did commit the alleged violations, Esco may be

liable for fines up to the amounts listed above and having its Massachusetts business entity insurance producer license placed on probation, suspended or revoked.

The Division proposes to resolve this matter through a settlement if Esco agrees to waive the right to a public hearing, agrees to cease and desist from the above-alleged conduct, and to pay a fine of **\$3000.00**. If Esco chooses to accept the Division's offer, please have an authorized individual sign this settlement letter where indicated below, and return it to my attention along with a check made payable to the Commonwealth of Massachusetts on or before **April 8, 2016**.

The Division considers the acceptance of this settlement to constitute a reportable administrative event which should be included on Esco's next Massachusetts license renewal application. This Agreement shall be construed under and governed by the laws of the Commonwealth of Massachusetts.

If this matter is not resolved by **April 8, 2016**, the Division will file its Order to Show Cause and will notify Esco of the hearing date in accordance with applicable statutory notice requirements and procedures.

Thank you for your prompt attention to this matter. Should you have any questions or wish to discuss this matter further, please contact me at (617) 521-7364.

Sincerely,

Mary Ellen Thompson
Counsel to the Commissioner
Commonwealth of Massachusetts
Division of Insurance
1000 Washington Street, Suite 810
Boston, Massachusetts 02118

Signed: Authorized Representative of:
Esco Insurance Agency, LLC

By: Mary Ellen Thompson
Counsel to the Commissioner

Name: _____

Signature: _____

Title: _____

Date: _____

Date: _____