

**STATE OF MAINE
WORKERS' COMPENSATION BOARD
OFFICE OF MONITORING, AUDIT & ENFORCEMENT**

v.

MAINE INSURANCE GUARANTY ASSOCIATION

CONSENT DECREE

This agreement ("Consent Decree") is by and between the Maine Insurance Guaranty Association ("Association") and the Maine Workers' Compensation Board ("Board").

NOW COME the parties and agree as follows:

1. WHEREAS, the Association is a non-profit entity created by the Maine Insurance Guaranty Association Act (the "Act"); and
2. WHEREAS, the Audit Division of the Board audited claim files of the Association; and
3. WHEREAS, in its Compliance Audit Report ("Compliance Audit Report"), the Board alleges that the Association violated certain provisions of the Maine Workers' Compensation Act, and the Association disputes such allegations; and
4. WHEREAS, the Board and the Association desire to compromise and resolve all of the issues set forth in the Compliance Audit Report in an efficient, unified and coordinated manner; and
5. WHEREAS, the Association has cooperated with the Board in the audit process leading to the Compliance Audit Report and in discussions leading to this Consent Decree; and
6. NOW, THEREFORE, in consideration of the foregoing and to compromise and resolve the matters cited in the Compliance Audit Report, the parties agree as follows:
7. The Association shall within 10 days of the most recent date set forth below send checks in the following amounts to the following payees addressed to their last known addresses in the Association's records:

<u>Name</u>	<u>Amount</u>
Wayne Butterfield	\$1,500.00
Bibianne Couturier	\$1,500.00
Wendell Grant	\$1,500.00
Deborah Hartley	\$5,000.00
Eric Moran	\$5,000.00

The check for the purported penalty issued to each employee listed on the preceding page shall include the following language: "This payment is made pursuant to a Maine Workers' Compensation Board Audit." A copy of each such cancelled check shall be mailed to the attention of the Audit Division, Maine Workers' Compensation Board, 27 State House Station, Augusta, Maine 04333-0027.

<u>Name</u>	<u>Amount</u>
Workers' Compensation Board	\$400.00

The check for the purported \$400.00 penalty shall be made payable to Treasurer, State of Maine. The penalty payment shall be sent to the attention of Mr. Steven P. Minkowsky, Deputy Director of Benefits Administration, Maine Workers' Compensation Board, 27 State House Station, Augusta, Maine 04333-0027.

8. Nothing in this Consent Decree shall be construed as a waiver of any rights any of the above-listed individuals may have against the Association. This Consent Decree and the Association's payments pursuant hereto shall not be used against the Association or its agents in any pending or future proceeding, except to enforce the Association's agreement to make the payments provided for in this Consent Decree should the Association fail to make such payments.
9. The Board agrees that it shall not seek any penalties against the Association or its agents on account of acts or omissions occurring prior to August 30, 2007 in any of the claim files that were subject to this audit. This sentence shall not prevent any employee from attempting to seek a penalty from the Association based upon such acts or omissions.

MAINE INSURANCE GUARANTY
ASSOCIATION

Dated: 4/2/2008


By: Paul M. Gulko
Paul M. Gulko
Executive Secretary

MAINE WORKERS' COMPENSATION
BOARD

Dated: April 24, 2008

Steven P. Minkowsky
Steven P. Minkowsky
Deputy Director of Benefits Administration
Workers' Compensation Board

Dated: April 28, 2008


Jan McNitt
Supervisor of the Abuse Investigation Unit
Workers' Compensation Board