

State of Rhode Island and Providence Plantations  
DEPARTMENT OF BUSINESS REGULATION

*Insurance Division*

1511 Pontiac Avenue, Bldg. 69-2  
Cranston, Rhode Island 02920

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IN THE MATTER OF:

KEVIN JOSEPH DEOLIVEIRA

RESPONDENT.

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CONSENT AGREEMENT

It is hereby agreed between the Department of Business Regulation (“Department”) and Kevin Joseph DeOliveira (“Respondent”) as follows:

1. Respondent is a non-resident insurance producer licensed in the State of Rhode Island to sell Property, Casualty, Life, Health, Accident and Sickness Insurance.

2. On or about October 5, 2012 Respondent issued a certificate of insurance to a corporation that included a Beacon Mutual Workers Compensation policy, policy number TBA, effective 10/20/2012 – 10/20/2013. No policy was applied for or issued by Beacon Mutual for that corporation and with these effective dates.

3. On or about November 15, 2012 Respondent issued a certificate of insurance to a corporation that included a Beacon Mutual Workers Compensation policy, policy number TBA, effective 10/2/2012 – 10/2/2013. No policy was applied for or issued by Beacon Mutual for that corporation and with these effective dates.

4. On or about June 13, 2013 an application for Workers Compensation coverage was submitted by Respondent on behalf of the corporation referred to above to Beacon Mutual and was declined for Respondents’ failure to respond to requests for pertinent underwriting information.

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5. On or about September 5, 2013 an application for Workers Compensation coverage was submitted by Respondent on behalf of the corporation referred to above to Beacon Mutual and was declined for Respondents' failure to respond to requests for pertinent underwriting information.

6. On or about October 2, 2013 Respondent issued a certificate of insurance that included a Beacon Mutual Workers Compensation policy, no policy number given, effective 10/20/2013 – 10/20/2014. No policy had been issued by Beacon Mutual with these effective dates.

7. On or about December 3, 2013 Respondent provided a certificate of insurance to a corporation that included a Beacon Mutual Workers Compensation policy, with an incorrect policy number given, effective 10/2/2013 – 10/2/2014. No policy was applied for or issued by Beacon Mutual for that corporation with these effective dates.

8. On or about June 6, 2014 Respondent admitted to the Certificate Holder that the corporation for whom he had issued the certificates of insurance did not have Workers Compensation coverage and had not had it for the prior eighteen months.

9. On or about June 6, 2014 Respondent provided another certificate of insurance to the corporation dated October 2, 2013 that included a Beacon Mutual Workers Compensation policy, no policy number given, effective 6/3/2014 – 6/3/2015. No policy had been issued by Beacon Mutual to the corporation with these effective dates.

10. On or about June 4, 2014 Respondent submitted an application for Workers Compensation coverage for the corporation to Beacon Mutual. On June 6, 2014 Beacon Mutual requested additional information. On June 9, 2014 Beacon Mutual issued policy number 72000 to corporation for policy period 6/5/201 – 6/5/2015. Notwithstanding the numerous certificates issued by Respondent as noted above, this was the first policy issued to the corporation by Beacon Mutual.

11. On or about June 9, 2014 Respondent provided a certificate of insurance to the corporation dated June 9, 2014 that included a Beacon Mutual Workers Compensation policy, policy number 72000, effective 6/5/2014 – 6/5/2015. This certificate of insurance indicated that coverage was provided for proprietors and partners, yet the Sole Proprietor of the insured is in fact excluded from coverage under the Beacon Mutual Workers Compensation policy number 72000, making the representation on the certificate incorrect.

12. On or about August 13, 2014 the Department received a complaint from Beacon Mutual regarding the facts recited above.

13. Upon inquiry by the Department Respondent contended that he sent certificates of insurance stating that “a policy had been applied for with Beacon Insurance – Pending issuance and underwriter approval.”

14. Respondents’ contention is at odds with the standard wording on the certificate of insurance which states “THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED.”

15. Respondents’ contention is at odds with the fact that the certificates were issued when no application was pending with Beacon Mutual.

16. The above referenced actions constitute violations of R.I. Gen. Laws § 27-78-4.

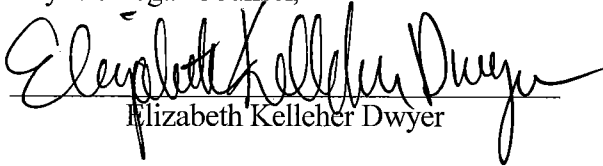
THEREFORE, based on the foregoing, Respondent and the Department have decided to resolve this matter without further administrative proceedings and hereby agree to the following resolution:

1. Respondent agrees to implement appropriate measures to prevent similar actions from occurring in the future.

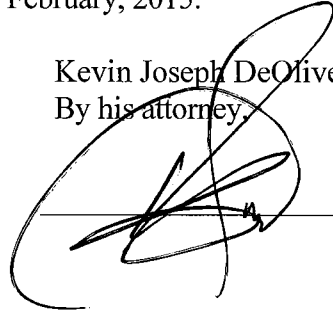
2. Respondent will pay a fine of five hundred dollars (\$500).

Counsel for the Department and Respondent hereby consent and agree to the foregoing on behalf of their respective clients the 5<sup>th</sup> day of February, 2015.

Department of Business Regulation  
By it's Legal Counsel,

  
Elizabeth Kelleher Dwyer

Kevin Joseph DeOliveira  
By his attorney,

  
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