



**STATE OF RHODE ISLAND
DEPARTMENT OF BUSINESS REGULATION
1511 PONTIAC AVENUE, BUILDING 69-2
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF:

DIVYA BISTA

RESPONDENT.

DBR No.: 2025-IN-009

CONSENT AGREEMENT

It is hereby agreed between the Department of Business Regulation (“Department”) and Divya Bista (“Respondent”) as follows:

1. Divya Bista (“Respondent”) currently does not hold, and has never held, a Rhode Island insurance producer license.
2. Respondent registered with the Department’s exam vendor to take the Rhode Island Life Insurance Producer Licensing Exam, and did take that exam on March 17, 2025, in person at the exam vendor’s facility. Respondent did not pass the exam the first time in-person.
3. Respondent then registered and began taking the exam remotely on March 24, 2025, with remote proctoring by the Department’s exam vendor.
4. During the exam registration process for the remote exam, Respondent acknowledged the exam vendor’s “Online Proctor Policies” including a specific “Third Party Prohibition.”
5. The “Third Party Prohibition” states that



“[b]y accessing this website and ticking this box you signify that you understand, acknowledge and agree that if any third party is: 1) detected as being present in your physical location, whether visible or not; or 2) overheard in any manner, whether physically detected through movement and making of noise or through sounds irrespective of whether they are in your current location or not during your testing sessions, the test will be terminated and you will not receive any score. Further, you understand, acknowledge and agree that if your testing sessions is terminated for this or any other reason you will not receive a test fee refund, credit or voucher.”

6. The exam vendor also sent Respondent an email confirmation with instructions and testing rules, which included the test taker to “not record, share or allow others to see your exam, even if you face issues,” and “[e]nsure that you can remain alone, quiet, and free from distraction.”

7. During the remote administration of the exam, the exam vendor inspected Respondent’s surroundings to ensure that the testing space was free of prohibited materials and free of third parties.

8. During minute marker 45:46, the exam vendor observed a mobile device “in the upper right portion of the screen (being held by a 3rd party) with the camera pointed at screen.”

9. The exam vendor revoked the exam at minute marker 47:21 and the screen went blank.

10. On March 25, 2025, the exam vendor sent notification of “Candidate Misconduct” to the Department and stated that Respondent was observed attempting to capture exam content during the exam and so the exam was revoked.

11. On March 26, 2025, the exam vendor also sent an email to Respondent advising that the exam was revoked “due to disregard of the testing policies (which you agreed to when registering for this exam) during your OnVUE exam, ...” and “The



policies violated include: Having a third party in the room during your exam, capturing photos of your testing screen.”

12. That same day, the Department received and subsequently viewed video footage of the exam proctoring. The Department was able to corroborate the exam vendor’s allegations that Respondent had a third-party individual in the room during the exam holding a cellphone up to the computer screen.

13. On March 27, 2025, the Department emailed Respondent and asked, “Did you have someone in the room with you? Did someone hold up a mobile device to capture exam content during your insurance producer licensing exam?”

14. Respondent responded to that email and stated “I am fully aware that I’m not supposed to have anybody in my room while I’m in the process of having a test. And I have nobody in that room while I’m having that test on purpose,” but someone that was in the home “open the door and try get in by mistake but other one of their friends pull that person out so I did nothing on purpose.”

15. The Department asked at what point during the exam had someone walked in the room, Respondent stated she was focused on the screen and did not notice the time of when they entered the room. Upon further questioning of the timing of the intruder, Respondent stated that “If I had to take a guess, maybe around the middle of the exam, but I want to be clear that this is only a guess. In reality, I was so focused on the test that I did not register the exact timing, and I was not paying attention to when the person came in or left.”



16. The Department also asked Respondent who her employer was, and Respondent told the Department “I am taking this exam for my own financial information and not as part of any employment requirement.”

17. The Department also met with Respondent and showed her screenshots of the video footage of the exam proctoring. Respondent once again acknowledged someone had walked in the room for a portion of the exam but left immediately after. The Department was unable to find a part of the exam video where the third party in the video left the room.

18. Respondent’s explanation of the events is contradicted by the video recording provided by the exam vendor.

19. Currently, Respondent is blocked from registering for another attempt at taking the insurance producer exam and has not yet passed the insurance producer exam.

20. Passing an insurance producer exam is a requirement for completing an electronic application for an insurance producer license. Respondent has not submitted an application for licensure with the Rhode Island Division of Insurance.

AUTHORITY

21. R.I. Gen. Laws § 27-2.4-16 provides in relevant part: “(a) The insurance commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer’s license or may levy an administrative penalty in accordance with § 42-14-16 or any combination of actions, for any one or more of the following causes: ... (11) Cheating on an examination for an insurance license.”



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

- I. Respondent acknowledges the above referenced facts and is entering into this Consent Agreement to resolve this matter fully and fairly.
- II. Respondent agrees to not register or take any Rhode Island Insurance Licensing Exams for two (2) years following this Agreement. After the two (2) years have elapsed, Respondent may only request an in-person examination and may not request a remote examination.
- III. Respondent agrees to not apply for a Rhode Island resident or non-resident insurance producer license for two (2) years. During that two (2) years' time, if Respondent applies for a license, the Department may summarily reject such application based on this Agreement without any appeal rights pursuant to this Consent Agreement.
- IV. Waiver of Hearing and Appeal. By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*
- V. Enforcement. If Respondent fails to comply with any term or condition of this Consent Agreement within any applicable time period set forth herein, Respondent will be in violation hereunder and the Department shall be



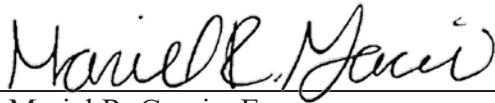
entitled to immediately take enforcement or other action in accordance with applicable law.

- VI. Compliance; Other Laws. Compliance with the terms of this Consent Agreement does not relieve Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.

Respondent and Counsel for the Department hereby consent and agree to the foregoing the 2nd day of ~~April~~^{May} 2025.

Rhode Island Department of
Business Regulation
by its Legal Counsel

Divya Bista



Mariel R. Garcia, Esq.

Divya Bista
Print Name: