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INSURANCE DEPARTMENT  
BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

2009 MAY 28 AM 11:59  
ADMIN HEARINGS OFFICE

IN RE: : VIOLATIONS:  
:   
GRETCHEN J. BARTRAM : 40 Purdons Statutes, Sections  
1879 Baltimore Pike : 310.11(20), 310.78(a) and  
Oxford, Pennsylvania 19363 : 310.78(b)  
:   
Respondent. : Docket No. CO09-03-001

CONSENT ORDER

AND NOW, this 28<sup>th</sup> day of May, 2009, this Order is hereby  
issued by the Insurance Department of the Commonwealth of Pennsylvania pursuant  
to the statutes cited above and in disposition of the matter captioned above.

1. Respondent hereby admits and acknowledges that she has received proper  
notice of her rights to a formal administrative hearing pursuant to the Administrative  
Agency Law, 2 Pa.C.S. § 101, et seq., or other applicable law.

2. Respondent hereby waives all rights to a formal administrative hearing in  
this matter, and agrees that this Consent Order, and the Findings of Fact and  
Conclusions of Law contained herein, shall have the full force and effect of an Order  
duly entered in accordance with the adjudicatory procedures set forth in the  
Administrative Agency Law, supra, or other applicable law.

### FINDINGS OF FACT

3. The Insurance Department finds true and correct each of the following

Findings of Fact:

- (a) Respondent is Gretchen J. Bartram, and maintains her address at  
1879 Baltimore Pike, Oxford, Pennsylvania 19363.
- (b) Respondent has an active resident individual producer license # 281247, that  
expires on July 12, 2009.
- (c) On December 13, 2007, Respondent was arrested in the Commonwealth of  
Pennsylvania by Oxford Police Department, and charged with misdemeanor  
possession of a controlled or counterfeit substance, possession of marijuana,  
possession with intent to use drug paraphernalia, and disorderly conduct.
- (d) On May 13, 2008, Respondent appeared before Judge Anthony A. Sarcione, in  
The Court of Common Pleas of Chester County, and was sentenced to  
twelve (12) months probation, \$964.00 in fines and court costs.
- (e) On November 18, 2008, the State of Georgia took regulatory action, Case  
Number 2008-2467, against Respondent for her failure to report her criminal  
record/history.

- (f) On December 10, 2008, the State of Missouri took regulatory action, Case Number 08A000756, against Respondent for her failure to report her criminal record/history.
- (g) On January 15, 2009, Respondent sent a letter to the Department regarding the criminal charges brought against her on December 13, 2007.
- (h) On February 17, 2009, Respondent complied with the Department's laws regarding reporting requirements, and reported the November 2008 Georgia regulatory action and the December 2008 Missouri regulatory action.

#### CONCLUSIONS OF LAW

4. In accord with the above Findings of Fact and applicable provisions of law, the Insurance Department concludes and finds the following Conclusions of Law:

- (a) Respondent is subject to the jurisdiction of the Pennsylvania Insurance Department.

- (b) 40 Purdons Statutes, Section 310.11(20) prohibits a licensee from demonstrating a lack of general fitness, competence or reliability sufficient to satisfy the Department that the licensee is worthy of licensure.
- (c) Respondent's activities described above in paragraphs 3(c) through 3(f) violate 40 Purdons Statutes, Section 310.11(20).
- (d) 40 Purdons Statutes, Section 310.78(a) requires a licensee to report any administrative action taken in another jurisdiction or by another governmental agency within 30 days of the final disposition, to include a copy of the order, consent order or other relevant legal documents.
- (e) Respondent's activities described above in paragraphs 3(e) and 3(f) violate 40 Purdons Statutes, Section 310.78(a).
- (f) 40 Purdons Statutes, Section 310.78(b) requires within 30 days of being charged with criminal conduct, a licensee shall report the charges to the Department. The licensee shall provide the Department with a copy of the criminal complaint, information or indictment, a copy of the order resulting from any pretrial hearing, and a report of the final disposition of the charges.
- (g) Respondent's activities described above in paragraphs 3(c) and 3(d) violate 40 Purdons Statutes, Section 310.78(b).

(h) Respondent's violations of Sections 310.11(20), 310.78(a) and 310.78(b) are punishable by the following, under 40 Purdons Statutes, Section 310.91:

- (i) suspension, revocation or refusal to issue the certificate of qualification or license;
- (ii) imposition of a civil penalty not to exceed five thousand dollars (\$5,000.00) for every violation of the Act;
- (iii) an order to cease and desist; and
- (iv) any other conditions as the Commissioner deems appropriate.

#### ORDER

5. In accord with the above Findings of Fact and Conclusions of Law, the Insurance Department orders and Respondent consents to the following:

- (a) Respondent shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.
- (b) Respondent's certificates and licenses may be immediately suspended by the Department following its investigation and determination that (i) any terms of this Order have not been complied with, or (ii) any complaint against Respondent is accurate and a statute or regulation has been violated. The

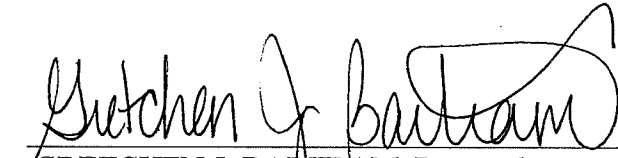
Department's right to act under this section is limited to a period of five (5) years from the date of this Order.

- (c) Respondent specifically waives her right to prior notice of said suspension, but will be entitled to a hearing upon written request received by the Department no later than thirty (30) days after the date the Department mailed to Respondent by certified mail, return receipt requested, notification of said suspension, which hearing shall be scheduled for a date within sixty (60) days of the Department's receipt of Respondent's written request.
- (d) At the hearing referred to in paragraph 5(c) of this Order, Respondent shall have the burden of demonstrating that she is worthy of a license.
- (e) In the event Respondent's certificates and licenses are suspended pursuant to paragraph 5(b) above, and Respondent either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that she is worthy of a license, Respondent's suspended certificates and licenses shall be revoked.

6. In the event the Insurance Department finds that there has been a breach of any of the provisions of this Order, based upon the Findings of Fact and Conclusions of Law contained herein, the Department may pursue any and all legal remedies available, including but not limited to the following: The Department may enforce the

11. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or a duly authorized delegate is authorized to bind the Insurance Department with respect to the settlement of the alleged violations of law contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or a duly authorized delegate.

BY:

  
GRETCHEN J. BARTRAM, Respondent

  
COMMONWEALTH OF PENNSYLVANIA  
By: RONALD A. GALLAGHER, JR.  
Deputy Insurance Commissioner