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BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
EDWARD F. DREYER	:	Section 611-A(20) of Act 147 of
437 Golden Gate Drive	:	2002 (40 P.S. § 310.11)
Richboro, PA 18954	:	
	:	Title 31, Pennsylvania Code,
	:	Sections 51.21, 51.23, 51.24, 51.33
	:	and 51.35
	:	
Respondent.	:	Docket No. CO05-06-012

CONSENT ORDER

AND NOW, this *26th* day of *July*, 2005, this Order is hereby issued by the Deputy Insurance Commissioner 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 he has received proper notice of his 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 Deputy Insurance Commissioner finds true and correct each of the following Findings of Fact:

- (a) Respondent is Edward F. Dreyer, who maintains his address at 437 Golden Gate Drive, Richboro, Pennsylvania 18954.
- (b) Respondent trades as Dreyer Financial, 833 West Trenton Avenue, Suite #4, Morrisville, Pennsylvania 19067.
- (c) In August of 2004, flyers and/or advertisements were sent out addressed to “retirees” in the Bucks County area of Pennsylvania, reflecting “will your retirement investments sustain your financial needs.”

- (d) The flyer and/or advertisement referred to the following: Securing long term care insurance without making premium payments, and Guaranteeing your income no matter how long you live.

- (e) The writer of the flyer and/or advertisement used the logo of a Certified Senior Advisor for identification and never listed the producer and/or agency sponsoring the event.

- (f) The advertisement and/or flyer never mentioned a company involved and/or policy form associated with these insurance products.

- (g) Respondent admitted being the author of the flyer and/or advertisement, and stated he was working for the National Senior Advisory Counsel, North Brunswick, New Jersey.

- (h) Respondent asserted that he had the *Bucks County Times* place 20,000 to 30,000 inserts in the newspaper for distribution, and received only 20 to 30 responses.

CONCLUSIONS OF LAW

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

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

- (b) Section 611-A(20) of Act 147 of 2002 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 (40 P.S. § 310.11).

- (c) Respondent's activities described above in paragraphs 3(c) through 3(h) violates Section 611-A(20) of Act 147 of 2002.

- (d) Respondent's violations of Section 611-A(20) of Act 147 of 2002 are punishable by the following, under Section 691-A of Act 147 of 2002 (40 P.S. § 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

- (e) (\$5,000.00) for each violation of the Act;
- (iii) an order to cease and desist; and
 - (iv) any other conditions as the Commissioner deems appropriate.
- (e) Title 31, Pennsylvania Code, Section 51.21, requires the form and content of an advertisement to be sufficiently complete and clear to avoid deception.
- (f) Title 31, Pennsylvania Code, Section 51.23, prohibits any advertisement from being used which contains words or phrases which may not be reasonably comprehended by the general population to which it is directed.
- (g) Title 31, Pennsylvania Code, Section 51.24, prohibits an advertisement from being used which refers to any specific benefit payable under a particular contract, the cost of a particular contract, or any other specific term or condition of a particular contract, without disclosing any exceptions, reductions, limitations or other restricting provisions, without which the advertisement would have the capacity or tendency to mislead or deceive.
- (h) Title 31, Pennsylvania Code, Section 51.33, which requires: (a) If a choice of the amount of benefits is referred to, an advertisement shall disclose that the amount of benefits provided depends upon the plan selected, and that the premium will vary with the amount of the benefits selected, and (b) When an advertisement refers to various benefits which may be contained in two or

more policies, other than group master policies, the advertisement shall disclose that such benefits are provided only through a combination of policies.

- (i) Respondent's activities described above in paragraphs 3(c) through 3(h) constitute violations of Title 31, Pennsylvania Code, Sections 51.21, 51.23, 51.24, 51.33 and 51.35.

ORDER

5. In accord with the above Findings of Fact and Conclusions of Law, the Deputy Insurance Commissioner 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 shall pay a civil penalty of One Thousand Dollars (\$1,000.00) to the Commonwealth of Pennsylvania. Payment of this penalty shall be made by certified check or money order, payable to the Commonwealth of Pennsylvania. Payment should be directed to Sharon L. Harbert, Administrative Assistant, Bureau of Enforcement, 1227 Strawberry Square, Harrisburg, Pennsylvania 17120. Payment may be enclosed with the Consent

Order, but must be paid in any event no later than thirty (30) days after the date of the Consent Order.

- (c) Respondent's certificates and licenses may be immediately suspended by the Department following its investigation and determination that (i) penalty payment has not been made, (ii) any terms of this Order have not been complied with, or (iii) 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.
- (d) Respondent specifically waives his 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.
- (e) At the hearing referred to in paragraph 5(d) of this Order, Respondent shall have the burden of demonstrating that he is worthy of a license.
- (f) In the event Respondent's certificates and licenses are suspended pursuant to paragraph 5(c) above, and Respondent either fails to request a hearing within

thirty (30) days or at the hearing fails to demonstrate that he is worthy of a license, Respondent's suspended certificates and licenses shall be revoked.

6. In the event the Deputy Insurance Commissioner 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 provisions of this Order in an administrative action pursuant to the Administrative Agency Law, supra, or other relevant provision of law; or, if applicable, the Department may enforce the provisions of this Order in any other court of law or equity having jurisdiction.

7. Alternatively, in the event the Deputy Commissioner finds that there has been a breach of any of the provisions of this Order, the Deputy Commissioner may declare this Order to be null and void and, thereupon, reopen the entire matter for appropriate action pursuant to the Administrative Agency Law, supra, or other relevant provision of law.

8. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

9. Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

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

BY:


EDWARD F. DREYER, Respondent


RANDOLPH L. ROHRBAUGH
Deputy Insurance Commissioner
Commonwealth of Pennsylvania