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INSURANCE DEPARTMENT

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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
JASON R. EDWARDS SR. Delaware County Prison (#05006362) Thornton, PA 19373	: : :	Sections 611-A(20) and 678-A(b) of Act 147 of 2002 (40 P.S. §§ 310.11 and 310.78)
	:	
	:	
Respondent.	:	Docket No. CO06-04-035

CONSENT ORDER

AND NOW, this 1st day of August, 2006, 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 Jason R. Edwards Sr., and maintains his address at Delaware County Prison (#05006362), P.O. Box 23-A, Thornton, Pennsylvania 19373.

(b) At all relevant times herein, Respondent has been a licensed insurance agent, his license expires June 23, 2006.

(c) Respondent was convicted by the Court of Common Please of Delaware County, Media, Pennsylvania on June 20, 2001 for possession of a controlled substance, marijuana, a misdemeanor offense. Respondent was sentenced to 12 months probation and to pay costs of prosecution.

(d) Respondent was convicted by the Court of Common Please of Delaware County, Media, Pennsylvania on June 20, 2001 for possession of offensive weapons (12 inch and 5 inch knives) a misdemeanor offense. Respondent was sentenced to 24 months less 1 day in prison, drug and alcohol evaluation, and 40 hours of community service.

(e) Respondent was convicted by the Court of Common Please of Delaware County, Media, Pennsylvania on October 24, 2003, for possession with a controlled substance and with intent to deliver, felony offenses, criminal conspiracy, a felony offense and corrupting the morals of a minor, a misdemeanor offense. Respondent was sentenced to a minimum of 3 months to 24 months in prison, 1 year probation and forfeiture of $170.00.

(f) On March 18, 2004, Respondent initiated an Insurance Policy Application and reflected for the background information that he had a criminal record, by checking block number "1" yes. Respondent explained that in March 2003, he pleaded guilty to the possession of controlled substance, marijuana charge, a misdemeanor offense and conspiracy, a felony offense. Respondent was subsequently issued an insurance license.

(g) Respondent was convicted by the Court of Common Pleas of Delaware County, Media, Pennsylvania on February 28, 2006, of theft by unlawful taking, a misdemeanor offense and institutional vandalism, a felony offense.

Respondent was sentenced to serve a prison term of no less than 173 days and no more than 23 months and 1 year probation.

(h) Respondent, on April 3, 2006, stated he was not aware he had to report he incidents to the Department within 30 days of his arrest. Respondent did not report his arrest and conviction to the Insurance Department.

(i) Respondent advised in order to resolve this matter, he is willing to accept revocation of his license.

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) violate Section 611-A(20) of Act 147 of 2002.

(d) Section 678-A(b) of Act 147 of 2002 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 (40 P.S. § 310.78(b)).

(e) Respondent's activities described above in paragraphs 3(c) through 3(h) violate Section 678-A(b) of Act 147 of 2002.

(f) Respondent's violations of Sections 611-A(20) and 678-A(b) 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 ($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.

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) All licenses/certificates of Respondent to do insurance business are hereby revoked.

(c) If Respondent should ever become licensed in the future, his 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 (ii) above is limited to a period of five (5) years from the date of issuance of such certificates and licenses.

(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 (d) of this Order, Respondent shall have the burden of demonstrating that he is worthy of an insurance certificate and 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 certificate and 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: _____
JASON R. EDWARDS SR., Respondent

_____
RANDOLPH L. ROHRBAUGH
Deputy Insurance Commissioner
Commonwealth of Pennsylvania