

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

RECEIVED  
INSURANCE DEPARTMENT

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ADMIN HEARINGS OFFICE

IN RE:	:	VIOLATIONS:
	:	
RANDOLPH R. DEZII	:	40 P. S. §§ 310.11(2), (4), (6), (7),
4201 CEDAR LANE	:	(9), (17), (20)
DREXEL, PENNSYLVANIA	:	
19025	:	
	:	
	:	
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	:	
	:	
Respondent	:	Docket No. <i>0007-07-009</i>

CONSENT ORDER

AND NOW, this *15<sup>th</sup>* day of June, 2007, this Order is hereby issued by the Insurance Department of the Commonwealth of Pennsylvania ("Insurance Department" or "Department") 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 Insurance Department finds true and correct each of the following

Findings of Fact:

- (a) Respondent Randolph R. Dezii (“Dezii”), is and at all times relevant to this action was a licensed resident insurance producer, holding license #349905 and maintaining a residential address at 4201 Cedar Lane, Drexel, Pennsylvania 19025.
- (b) Western-Southern Life (“WSL”) is a life insurance company domiciled in the State of Ohio with its principle offices located at 400 Broadway, Cincinnati, OH 45202.
- (c) From approximately September, 2003 until 2005, Dezii was employed as a producer by WSL in their offices located at 822 Montgomery Avenue, Suite 200, Narberth, Pennsylvania 19072.
- (d) An internal audit conducted by WSL disclosed that between

approximately January 1, 2005 and September 13, 2005 Dezii forged the signatures of at least six (6) insureds on twenty-two (22) Policy Reinstatement Applications, three (3) Requests for Premium Dividends forms and Loan Policy Benefit Dispositions.

- (e) It was further discovered that on multiple occasions, Dezii applied premium funds received from a particular insured to policies for different insureds in an apparent attempt to avoid policy lapses for non-payment of premium.
- (f) Respondent has asserted that his conduct and violations described-above was the result of duress and harassment by his supervisor at WSL.

#### 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) Respondent's activities described above constitute violations of Pennsylvania Insurance laws, specifically, Section 611-A of the Insurance Department Act prohibits licensees from, inter alia:

- i. violating the insurance laws or regulations of this Commonwealth. 40 P. S. §310.11(2);
- ii. improperly withholding, misappropriating or converting money or property received in the course of doing business. 40 P. S. §310.11(4);
- iii. admitting to or being found to have committed any unfair insurance practice or fraud. 40 P. S. §310.11(6);
- iv. using fraudulent, coercive or dishonest practices or demonstrate incompetence, untrustworthiness or financial irresponsibility in the conduct of doing business in this Commonwealth or elsewhere. 40 P. S. §310.11(7);
- v. forging another person's name on an application for insurance or on any document related to an insurance or financial services transaction. 40 P. S. §310.11(9);
- vi. committing fraud, forgery, dishonest acts or an act involving a breach of fiduciary duty. 40 P. S. §310.11(17); and
- vii. 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(20).

(c) Violations of the Insurance Department Act are punishable by the following, under Section 691-A of the Act (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;
  - iii. an order to cease and desist; and
  - iv. any other conditions as the Commissioner deems appropriate.
- (d) Respondent's activities described in the Findings of Fact above demonstrate his violations of the statutes cited herein, and reflect on his worthiness to transact the business of insurance in the Commonwealth.

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 or otherwise violating the insurance laws and regulations of the Commonwealth of Pennsylvania.
  - (b) All licenses or certificates issued to Respondent by the Department are hereby revoked for a period of one (1) year from the date of this Consent Order.

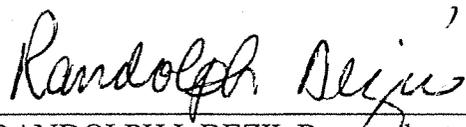
- (c) In the event that Respondent should ever become licensed by the Department in the future, Respondent's certificates and licenses may be immediately suspended by the Department following its investigation and determination that (i) any terms of this Order have not been complied with, or (ii) any complaint against Respondent is accurate and a statute or regulation has been violated. The Department's right to act under (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 rights 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 Consent 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

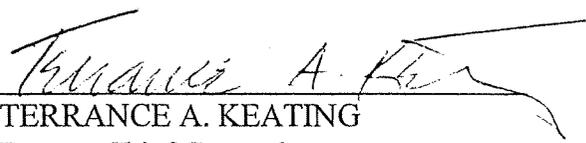
certificate and license, Respondent's suspended certificates and licenses shall be revoked.

6. In the event the 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 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 Insurance Department finds that there has been a breach of any of the provisions of this Order, the Insurance Department 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 Insurance Department. Only the Insurance Commissioner or his duly authorized delegee is authorized to bind the Insurance Department with respect to the matters addressed herein, and this Consent Order is not effective until executed by the Insurance Commissioner or his delegee.

BY:

  
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RANDOLPH I. DEZII, Respondent

  
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TERRANCE A. KEATING  
Deputy Chief Counsel  
On behalf of the Commonwealth of  
Pennsylvania Insurance Department