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INSURANCE DEPARTMENT

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

2008 JUL 22 AM 10:50

ADMIN HEARINGS OFFICE

IN RE: : VIOLATIONS:
: :
ARIEL MONZON : Sections 611-A(2), (14), (20) and
886 Wedgewood Drive : 678-A(b) of Act 147 of 2002
Lansdale, PA 19446 : (40 P.S. §§ 310.11 and 310.78)
: :
Respondent : Docket No. CO08-02-028

CONSENT ORDER

AND NOW, this 22 day of *July*, 2008, 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 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 is Ariel Monzon, and maintains his address at 886 Wedgewood Drive, Lansdale, Pennsylvania 19446.
- (b) Respondent is a licensed insurance producer with a Certificate of Qualification No. 492660 that expires on June 5, 2009.
- (c) On December 4, 2007, Respondent pled guilty in the Court of Common Pleas of Bucks County, Pennsylvania to a felony offense of criminal trespass, a misdemeanor offense of criminal mischief and a summary offense of harassment. Respondent was sentenced to six months probation and costs and fines totaling \$616.00.
- (d) Respondent failed to report his arrest to the Department within 30 days.

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) Section 611-A(2) of Act 147 of 2002 prohibits a licensee from violating the insurance laws of this Commonwealth. (40 P.S. § 310.11(2)).
- (c) Section 611-A(14) of Act 147 of 2002 prohibits a licensee from committing a felony or its equivalent. (40 P.S. § 310.11(14)).
- (d) Section 678-A(b) of Act 147 of 2002 requires a licensee, within 30 days of being charged with criminal conduct, to report the charges to the Department, and within 30 days of their availability to provide a copy of the criminal complaint, information or indictment; a copy of the order resulting from a pretrial hearing, if any; 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) and 3(d) violate section sections 611-A(2) and (14), and 678-A(b) of Act 147 of 2002.

- (f) Further, Respondent's activities described above in paragraphs 3(c) and 3(d) reflect on his worthiness as an insurance producer under section 611-A(20) of Act 147 of 2002 which 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 (20)).
- (g) Respondent's violations of section 611-A(2), (14), (20) and 678-A(b) of Act 147 of 2002 may be punishable by the following under section 691-A of 147 of 2002 (40 P.S. § 310.91):
- (i) suspension, revocation or refusal to renew the certificate of qualification or license;
 - (ii) imposition of a civil penalty not to exceed \$5,000 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 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 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 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 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 he is worthy of an insurance certificate and 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 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 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.

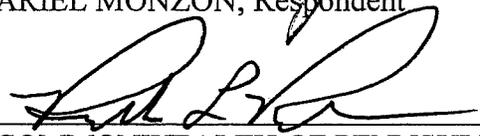
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

11. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or a duly authorized delegee 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 delegee.

BY: 

ARIEL MONZON, Respondent



COMMONWEALTH OF PENNSYLVANIA
By: Randolph L. Rohrbaugh
Deputy Insurance Commissioner