

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:

THOMAS J. MULLINS
P.O. Box #24
Stroudsburg, PA 18360

VIOLATIONS:

Sections 611-A(20) and 678-A(b)
of Act 147 of 2002 (40 P.S.
§§ 310.11 and 310.18)

Respondent.

Docket No. C1007-08-021

CONSENT ORDER

AND NOW, this *6th* day of *May*, 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 Thomas J. Mullins, and maintains a mailing address at P.O. Box 424, Stroudsburg, Pennsylvania 18360
- (b) At all times herein, Respondent has possessed a resident producer license.
- (c) On September 26, 2006, Respondent was arrested by the Pocono Township Police Department in Tannersville, Pennsylvania, for burglary, criminal trespass and criminal mischief, all felony offenses. He was also arrested for disorderly conduct, a misdemeanor offense.
- (d) On June 26, 2007, Respondent pleaded guilty in the court of Common Pleas of Monroe County, Stroudsburg, Pennsylvania, to disorderly conduct. The charges of burglary, criminal trespass and criminal mischief were all Nolle Prossed.

- (c) On June 26, 2007, Respondent was sentenced for the disorderly conduct misdemeanor offense of 1 day, to not more than 12 months in prison, however he never served any time. He was also sentenced to 12 months probation and \$653.00 in fines and costs.
- (d) Respondent failed to notify the Department within 30 days of the arrest and conviction.
- (e) As Respondent is no longer in the business of insurance, he wishes to surrender his license in order to settle this matter.

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)(i) 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(f) violates 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(f) 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

2. 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 shall surrender all licenses/certificates to conduct the business of insurance within the Commonwealth of Pennsylvania as of the date of this Consent Order.
- (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 this Order 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.

(c) At the hearing referred to in paragraph (c) of this Order, Respondent shall have the burden of demonstrating that he is worthy of an insurance certificate and license.

(d) In the event Respondent's certificate and licenses are suspended pursuant to paragraph (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.

(e) 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.

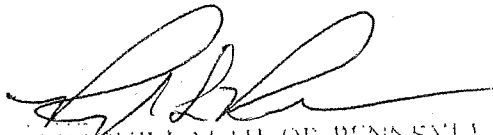
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

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

Thomas J. Mullins
THOMAS J. MULLINS, Respondent



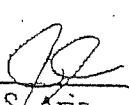
COMMONWEALTH OF PENNSYLVANIA

By: Randolph E. Rehrbaugh
Deputy Insurance Commissioner

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE: The Act of April 9, 1929, P.L. 177, No. 175, known as The
Administrative Code of 1929

AND NOW, this 6th day of July 2007, Randolph L. Rohrbaugh,
Deputy Insurance Commissioner, is hereby designated as the Commissioner's duly
authorized representative for purposes of entering in and executing Consent Orders. This
delegation of authority shall continue in effect until otherwise terminated by a later Order
of the Insurance Commissioner.



Joel S. Ario
Insurance Commissioner

