

RECEIVED
INSURANCE DEPARTMENT

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

2011 JUL 27 AM 11:23
ADMIN HEARINGS OFFICE

IN RE: : VIOLATIONS:
: :
STEVEN ALAN SUIB : 40 P.S. §§ 310.5(b), 310.7, 310.11(1),
1916 Parkerhill Lane : (3), (7), (13), (20), and 310.78(b)
Chester Springs, PA 19425 : :
Respondent. : Docket No. CO11-06-009

CONSENT ORDER

AND NOW, this *27th* day of *July*, *2011*, 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 Steven Alan Suib and maintains his business address at 1916 Parkerhill Lane, Chester Springs, PA 19425.
- (b) At all relevant times herein, Respondent has held an individual resident producer license No. 341300 to conduct the business of insurance in Pennsylvania.
- (c) On February 4, 2003, Respondent was arrested by the Lower Southampton Police Department, Bucks County, PA, and charged with Aggravated Assault (F-1 Grade), Simple Assault (M-2), and Reckless Endangerment (M-2).
- (d) On April 1, 2003, Respondent pled guilty in Bucks County Magisterial District Court 07-1-06 to a Summary violation of Disorderly Conduct. All other charges against Respondent were dismissed by the court.

- (e) Respondent failed to report his criminal arrest or disposition to the Department within thirty (30) days as required by law.

- (f) On February 10, 2009 and September 4, 2009, the PA Department of Revenue filed tax liens Nos. T73949 and N55334 respectively against Respondent for unpaid State income taxes totaling \$13,823.28 including fines and filing fees.

- (g) On two separate occasions, on March 17, 2007 and March 17, 2009, Respondent indicated on his PA resident producer license renewal applications that he was tax compliant and did not owe any State income taxes to the Commonwealth when in fact, he did.

- (h) Respondent created the business entity, Steven Suib Inc., entity No. 2968650 on October 19, 2000, but failed to license the business entity with the Department.

- (i) Respondent is doing business as American Tax & Advisory, entity No. 3754187, owned by Steven Suib Inc., but he failed to register the fictitious name with the Insurance Department.

- (j) On November 23, 2009, Respondent entered into Agreement No. 2008013957801 with the Financial Industry Regulatory Authority (hereinafter, FINRA) for securities violations and subsequently had his broker/dealer license (CRD No. 3052895) suspended for a period of one (1) year, was fined five thousand dollars (\$5,000.00) and ordered to pay seven thousand dollars (\$7,000.00), plus interest in restitution to consumers.

- (k) On February 2, 2010, Respondent had his broker/dealer license suspended to February 5, 2010, due to late payments on his fine, but it was reinstated after satisfying fines and/or costs associated with the aforementioned sanction.

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) 40 P.S. § 310.5(b) requires a business entity with an office in this Commonwealth to apply for a resident insurance producer license.

- (c) Respondent's activities described above in paragraph 3(h) violate 40 P.S. § 310.5(b).
- (d) 40 P.S. § 310.7 requires if a licensee is doing business under a fictitious name other than the name appearing on the producer license, the licensee is required to notify the Department in writing prior to use of the fictitious name.
- (e) Respondent's activities described above in paragraph 3(i) violate 40 P.S. § 310.7.
- (f) 40 P.S. § 310.11(1) prohibits a licensee or an applicant for a license from providing incorrect, misleading, incomplete or false information to the Department in a license application.
- (g) Respondent's activities described above in paragraph 3(g) violate 40 P.S. § 310.11(1).
- (h) 40 P.S. § 310.11(3) prohibits a licensee or an applicant from obtaining or attempting to obtain a license through misrepresentation or fraud.
- (i) Respondent's activities described above in paragraph 3(g) violate 40 P.S. § 310.11(3).

- (j) 40 P.S. § 310.11(7) prohibits a licensee or an applicant from using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of doing business.
- (k) Respondent's activities described above in paragraphs 3(c) through 3(k) violates 40 P.S. § 310.11(7).
- (l) 40 P.S. § 310.11(13) prohibits a licensee or an applicant from failing to pay state income tax or comply with any administrative or court order directing the payment of state income tax.
- (m) Respondent's activities described above in paragraph 3(f) violate 40 P.S. § 310.11(13).
- (n) 40 P.S. § 310.11(20) 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.
- (o) Respondent's activities described above in paragraphs 3(c) through 3(k) violate 40 P.S. § 310.11(20).

- (p) 40 P.S. § 310.78(b) requires that 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.
- (q) Respondent's activities described above in paragraphs 3(c) through 3(e) violate 40 P.S. § 310.78(b).
- (r) Respondent's violations of Sections 310.5(b), 310.7, 310.11(1), (3), (7), (13), (20), and 310.78(b) are punishable by the following, under 40 P.S. § 310.91:
- (i) suspension, revocation or refusal to issue the license;
 - (ii) imposition of a civil penalty not to exceed five thousand dollars (\$5,000.00) for every 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 shall pay a civil penalty of Five Thousand Dollars (\$5,000.00) 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 April Phelps, Bureau Secretary, 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 licenses may be immediately suspended by the Department following its investigation and determination that (i) penalty payment has not been made, or (ii) any other 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 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 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.

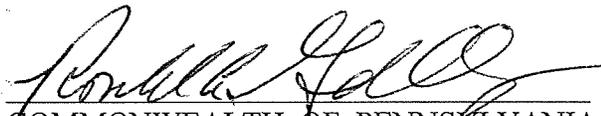
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

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: 

STEVEN ALAN SUIB, Respondent



COMMONWEALTH OF PENNSYLVANIA
By: RONALD A. GALLAGHER, Jr.
Deputy Insurance Commissioner