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INSURANCE DEPARTMENT

BEFORE THE INSURANCE COMMISSION  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

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HEARINGS OFFICE

IN RE:	:	VIOLATIONS:
	:	
SUSAN C. CHRISTIAN and	:	40 P.S. §§ 310.11(8), 310.11(20) and
SUSAN CHRISTIAN AGENCY, INC.	:	310.78(a)
540 Wicker Avenue	:	
Bensalem, PA 19020	:	
	:	
Respondents.	:	Docket No. CO12-02-011

CONSENT ORDER

AND NOW, this *14<sup>th</sup>* day of *March* *2012*, 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. Respondents hereby admit and acknowledge that they have received proper notice of their rights to a formal administrative hearing pursuant to the Administrative Agency Law, 2 Pa.C.S. § 101, et seq., or other applicable law.

2. Respondents hereby waive all rights to a formal administrative hearing in this matter, and agree 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 Susan C. Christian and maintains her address at 540 Wicker Avenue, Bensalem, PA 19020.
- (b) Co-Respondent is the Susan Christian Agency, Inc., and also maintains its address at 540 Wicker Avenue, Bensalem, PA 19020.
- (c) At all relevant times herein, Respondent has held an active resident producer license, number 336819, to conduct the business of insurance in Pennsylvania.
- (d) At all relevant times herein, Co-Respondent has held an active resident producer license, number 605918, to conduct the business of insurance in Pennsylvania.

- (e) From March 28, 2008 to approximately April, 2011, Respondent was employed at Insurance Solutions Concepts, Inc. located at 77 Makefield Road, Morrisville, PA.
  
- (f) On October 5, 2011, the Bucks County Court of Common Pleas took administrative action (Ref. Docket No. 2011-05726) and enjoined (suspended) Respondent's individual resident producer license for a period of one (1) year effective October 5, 2011.
  
- (g) On October 5, 2011, the Bucks County Court of Common Pleas took administrative action (Ref. Docket No. 2011-05726) and enjoined (suspended) Co-Respondent's resident producer agency license for a period of one (1) year effective October 5, 2011.
  
- (h) Respondent and Co-Respondent failed to report the Court's administrative action to the Department as required by law.

#### 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) Respondents are subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 40 P.S. § 310.11(8) prohibits a licensee or an applicant from having a producer license or other financial services license denied, suspended or revoked by a governmental entity.
- (c) Respondents' activities described above in paragraphs 3(f) and 3(g) violate 40 P.S. § 310.11(8).
- (d) 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.
- (e) Respondents' activities described above in paragraphs 3(f) through 3(h) violates 40 P.S. § 310.11(20).
- (f) 40 P.S. § 310.78(a) requires a licensee to report any administrative action taken in another jurisdiction or by another governmental agency within 30 days of the final disposition, to include a copy of the order, consent order or other relevant legal documents.

- (g) Respondents' activities described above in paragraph 3(h) violate 40 P.S. § 310.78(a).
  
- (h) Respondents' violations of Sections 310.11(8), 310.11(20) and 310.78(a) 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 Respondents consent to the following:

- (a) Respondents shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.
  
- (b) All licenses of Respondents to do insurance business are hereby suspended until October 6, 2012, effective the date the Deputy Commissioner signs this Order, of which Respondents will be notified promptly by copy of this Order.

At the conclusion of the suspension period, Respondents must request their licenses to be reinstated by use of an application and license fee.

- (c) Upon reinstatement of Respondents' licenses, such licenses may immediately be 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 Respondents 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 license reinstatement.
  
- (d) Respondents specifically waive the 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 Respondents 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 Respondents' written request.
  
- (e) At the hearing referred to in paragraph 5(d) of this Order, Respondents shall have the burden of demonstrating that they are worthy of a license.

(f) In the event Respondents' licenses are suspended pursuant to paragraph 5(c) above, and Respondents either fail to request a hearing within thirty (30) days or at the hearing fail to demonstrate that they are worthy of a license, Respondents' 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:



SUSAN C. CHRISTIAN, individually and on behalf of the SUSAN CHRISTIAN AGENCY, INC., Respondents



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