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INSURANCE DEPARTMENT

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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE:

Application of Edwin Dirl Colwell  
Requesting Written Consent to Engage in the  
Business of Insurance

Pursuant to the Violent Crime control  
and Law Enforcement Act of 1994,  
18 U.S.C. § 1033

Docket No. CW18-06-014

CONSENT ORDER

AND NOW, this 16th day of July, 2018, 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. To the extent applicable, Applicant 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, 2 Pa.C.S.A. § 101, et seq., or other applicable law.

## FINDINGS OF FACT

2. The Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Applicant is Edwin Dirl Colwell, who maintains his address at 1006 Faulkner Street, Pittsburgh, PA 15204.
- (b) Applicant does not possess a producer license.
- (c) On May 7, 1990, in the Court of Common Pleas of Allegheny County, Applicant was convicted of Receiving Stolen Property and Criminal Conspiracy, felonies of the third degree.
- (d) Applicant is authorized to work at Highmark.
- (e) Applicant will be performing the following duties: handle customer inquiries by telephone and/or email and/or in person from individual members, groups, providers and brokers in a customer service center. Troubleshoot and resolve customer complaints. Ensure that responses to inquiries are completed timely and according to established service and quality standards.

## CONCLUSIONS OF LAW

3. In accordance with the above Findings of Fact and applicable provisions of law, the Insurance Department concludes and finds the following Conclusions of Law:

- (a) 18 U.S.C. § 1033 (e)(2) provides that persons convicted of felonies involving dishonesty or a breach of trust may not engage in the business of insurance or participate in such business unless such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to 18 U.S.C. § 1033(e)(2).
- (b) Applicant was convicted of two (2) felonies involving breach of trust on May 7, 1990.
- (c) The Insurance Department has determined that Applicant may engage in the business of insurance in the capacity of a call center associate or customer service representative with the job duties set forth and attached as "Exhibit 1" for the Company, and only in such capacity, subject to the terms and conditions of this Order and the conditions contained herein are necessary and sufficient to ensure that Applicant may engage in the business of insurance in a manner that is not reasonable likely to cause harm to the public, policyholders or the insurer.

ORDER

4. Accordingly, the Insurance Department orders and Applicant consents to the following:

(a) Applicant shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law. Applicant shall further comply with Pennsylvania insurance laws and regulations.

(b) Pursuant to 18 U.S.C. § 1033(e)(2), Applicant may engage in the business of insurance as a call center associate or customer service representative with the job duties set forth in Exhibit 1, and only in such capacity, subject to the terms and conditions of this Order, which terms and conditions contained herein are necessary and sufficient to ensure that Applicant may engage in the business of insurance in a manner that is not reasonably likely to cause harm to the public, policyholders or the industry.

5. Applicant shall be limited to performing the prescribed duties of the job description attached hereto as Exhibit 1.

6. Applicant must request and obtain an amendment to this Order from the Insurance Department prior to any material modification or expansion of duties identified in the job description attached hereto as Exhibit 1. This request must be

accompanied by a proposed new job description and a current Pennsylvania State Police certified Criminal Record Check.

7. Failure to obtain an amendment to this Order prior to any material modification or expansion of duties constitutes a breach of this agreement and as such, the Department's consent permitting Applicant to engage in the business of insurance may be immediately suspended pursuant to Paragraph 13 of this Order.

8. Applicant must notify the Department in writing if he changes employers, or if the Company experiences a change of ownership or control through any merger acquisition or divestiture transaction within 30 days of any such change. Nothing in this Order shall be construed as constraining Applicant's ability to change employment in the insurance industry provided that there is no material modification or expansion of the job duties prescribed in Exhibit 1.

9. This notice must include the new job description for the new employer and a written representation that there has been no material modification or expansion of job duties.

10. Applicant must notify the Department in writing of any and all subsequent felony or misdemeanor convictions within ten (10) business days of any said conviction.

11. The term of this Order shall remain in place for a period of five years and, thereafter, unless and until the Department terminates the Order. Nothing in this Order shall preclude the Department, in its sole discretion, from decreasing or lessening the restrictions contained in this Order in whole or in part while it is in effect. Any such lessening of the restrictions contained in this Order shall be made in writing by the Department in accordance with the procedures set forth in paragraph 20 of this Order.

12. Following the five-year period referenced in paragraph 11, above, this Order shall continue unless and until the Department affirmatively terminates it. Nothing in this Order shall be construed as conferring upon Applicant any property right or interest as a result of receiving this conditional consent to engage in the business of insurance in accordance with the terms of this Order. Applicant expressly waives any right to assert that he is entitled to a hearing on the termination of this Order following the expiration of the five-year period reference in paragraph 11. Should the Insurance Department terminate this Order after the five year period referenced in paragraph 11, above, Applicant may file a new application for a written consent as set forth in paragraph 4(b), above, to engage in the business of insurance under 18 U.S.C. § 1033(e)(2).

13. The Department's conditional consent permitting Applicant to engage in the business of insurance, and Applicant's existing licenses, may be immediately suspended upon notice by the Department following its investigation and

determination that Applicant has failed to adhere to any condition set forth in this Order or has violated an insurance statute or regulation.

14. Applicant shall have no right to prior notice of such a suspension, but will be entitled to a hearing upon written request received by the Department no later than thirty (30) days from the date the Department mailed to Applicant by certified mail, return receipt requested, notification of such suspension, which hearing shall be held within (60) days of the Department's receipt of Applicant's written request for a hearing.

15. At the hearing referred to in paragraph 14 above, Applicant shall have the burden of demonstrating that he is worthy of a license and a conditional consent to engage in the business of insurance. In the event Applicant's conditional consent and licenses are suspended pursuant to paragraph 13 above, and Applicant either fails to request a hearing within 30 days or at the hearing fails to demonstrate that he is worthy of a license, Applicant's suspended conditional consent, licenses shall be revoked.

16. In the event the Insurance Department find 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 provisions of law; or, if applicable, the

Department may enforce the provisions of this Order in any other court of law or equity having jurisdiction.

17. Alternatively, in the event the Insurance Department finds 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.

18. In any such enforcement proceeding, Applicant 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.

19. Applicant hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

20. 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.

21. 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



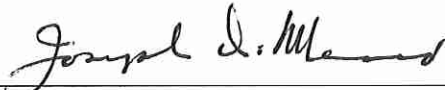
law contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or duly authorized delegee.

22. Within 25 business days of receipt of a copy of this Order executed by the Insurance Department, Applicant agrees to notify the appropriate Company official(s) of the terms of this Order and to provide them with a copy of the same.

BY:



Edwin Dirl Colwell, Applicant



COMMONWEALTH OF PENNSYLVANIA

By: Joseph DiMemmo, CPA  
Deputy Insurance Commissioner