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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE: : VIOLATIONS:
: :
CYNTHIA STANTON - KAIGHN : Sections 606-A of Act 147 of 2002
131 Summit Avenue : (40 P.S. § 310.6)
Willow Grove, PA 19090 :
: :
Respondent. : Docket No. CO04-04-017

CONSENT ORDER

AND NOW, this 14th day of May, 2004, this Order is hereby issued by the Deputy Insurance Commissioner 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 she has received proper notice of her 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 Deputy Insurance Commissioner finds true and correct each of the following Findings of Fact:

- (a) Respondent is Cynthia Stanton-Kaighn and maintains her address at 131 Summit Avenue, Willow Grove, Pennsylvania 19090.
- (b) Respondent does not currently hold a license to transact insurance business in Pennsylvania, although she submitted her initial producer application to the Department on November 6, 2003.
- (c) On November 4, 1991, Respondent, then known as Cynthia Stanton, plead guilty in the Montgomery County Court of Pennsylvania, to violating 75 Pa.C.S.A. § 3731(a)(1)(4), driving under the influence of alcohol or controlled substance, a misdemeanor.

- (d) On May 3, 1999, Respondent, then known as Cynthia Stanton, plead guilty in the Bucks County Court of Pennsylvania, to violating 18 Pa.C.S.A. § 2701(a), simple assault, a misdemeanor.

- (e) On May 3, 1999, Respondent, then known as Cynthia Stanton, plead guilty in the Bucks County Court of Pennsylvania, to violating 18 Pa.C.S.A. § 4304(a), endangering the welfare of a child, a misdemeanor.

- (f) The convictions referenced in (d) and (e) above were alcohol-related incidents.

- (g) On February 12, 2002, Respondent, then known as Cynthia Stanton, plead guilty in the Montgomery County Court of Pennsylvania, to violating 75 Pa.C.S.A. § 3731(a)(1)(4)(i), driving under the influence of alcohol or controlled substance, a misdemeanor.

- (h) When Respondent submitted her initial insurance producer application to the Department on November 6, 2003, she fully disclosed the above-referenced criminal convictions.

CONCLUSIONS OF LAW

4. In accord with the above Findings of Fact and applicable provisions of law, the Deputy Insurance Commissioner concludes and finds the following Conclusions of Law:

- (a) Respondent is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) Section 606-A of Act 147 of 2002 prohibits the grant of a producers license except to an applicant worthy of a license (40 P.S. § 310.6).
- (c) Respondent's activities described above in paragraphs 3(c) through 3(g) violate Section 606-A of Act 147 of 2002.
- (d) Respondent's violations of Sections 606-A 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

5. In accord with the above Findings of Fact and Conclusions of Law, the Deputy Insurance Commissioner 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; further, Respondent has agreed to enroll in, comply with in every respect, and meet the requirements of the Agents Helping Agents program as a condition of this Order.
- (b) After issuance, 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; and/or (iii) Respondent has failed to comply with any terms or conditions of the Agents Helping Agents Program.
- (c) The Department's right to act under paragraph 5(b) above is limited to a period of five years from the date of this Order or until the Respondent has completed the Agents Helping Agents program, whichever period is longer.

(d) Respondent specifically waives her 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 she is worthy of a license.

(f) 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 thirty (30) days or at the hearing fails to demonstrate that she is worthy of a license, Respondent's suspended certificates and licenses shall be revoked.

6. In the event the Deputy Insurance Commissioner 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 Deputy Commissioner finds that there has been a breach of any of the provisions of this Order, the Deputy Commissioner 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 Deputy Insurance Commissioner. Only the Insurance Commissioner or the duly authorized Deputy

Insurance Commissioner is authorized to bind the Insurance Department with respect to the settlement of the alleged violation of law contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or the duly authorized Deputy Insurance Commissioner.

BY: *Cynthia Stanton Kaighn*
CYNTHIA STANTON - KAIGHN,
Respondent

R. L. Rohrbaugh
RANDOLPH L. ROHRBAUGH
Deputy Insurance Commissioner
Commonwealth of Pennsylvania