

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

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PA INSURANCE DEPARTMENT
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ADMIN HEARINGS OFFICE

IN RE: CHRISTINE A. SHURR
1450 Maplewood Drive
New Cumberland, PA 17070,

Respondent

VIOLATIONS

- : Sections 604 and 639 of the Insurance
- : Department Act of 1921, Act of May 17,
- : 1921, P.L. 789, No. 285, as amended, (40
- : P.S. §§234 and 279).
- : Sections 37.46 and 37.47 of the Insurance
- : Department Regulations (31 Pa. Code
- : §§37.46 and 37.47).
- : Sections 625-5 and 625-10 of the Act of
- : December 18, 1996, P.L. 1003, No. 154 (40
- : P.S. §§625-5 and 625-10)
- : Docket No. CO04-05-055

CONSENT ORDER

AND NOW, this 4th day of June 2004, this Order is hereby issued by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania pursuant to the statutes and regulations 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 Christine Shurr.
- (b) Respondent maintains her address at 1450 Maplewood Drive, New Cumberland, Pennsylvania 17070.
- (c) Respondent, at all relevant times hereto, possessed a resident agent's license in Pennsylvania.
- (d) Between August 2000 and November, 2001, Respondent was a registered representative for PrimeVest Financial Services, with an office located inside Fulton Bank, 599 N. 12th Street, Lemoyne, Pennsylvania 17043.
- (e) During that time, Respondent sold at least 42 annuity contracts to consumers.
- (f) Respondent failed to deliver the 42 annuity contracts to consumers.
- (g) By letter dated September 4, 2001, PrimeVest cautioned Respondent concerning a consumer complaint that she had failed to deliver an annuity contract. PrimeVest reminded Respondent of its company policy concerning delivery of annuity contracts to consumers and the requirements of Act 154 of 1996, 40 P.S. §625-4.

§§37.46 and 37.47, and reflect on her worthiness to transact the business of insurance in the Commonwealth.

- (e) Respondent's violations of Section 604, in addition to 31 Pa. Code §§37.46 and 37.47, are punishable by the following, under Section 639 of the Insurance Department Act (40 P.S. §279):
 - (i) suspension, revocation or refusal to issue the certificate of qualification of license;
 - (ii) imposition of a civil penalty not to exceed \$5,000 for each violation of the act;
 - (iii) issuance of an order to cease and desist; and
 - (iv) imposition of such other conditions as the Department may deem appropriate.
- (f) Section 625-4 of the Act of December 18, 1996, P.L. 1003, No. 154 ("Act 154"), 40 P.S. §625-4, requires agents who sell annuity contracts to deliver them by hand, or other verifiable means, to their consumer purchasers.
- (g) Respondent's activities described above in paragraphs 3(e) through 3(h) violate Section 625-4 of Act 154 (40 P.S. §625-4).
- (h) Respondent's violations of Section 625-4 are punishable by the following under Section 624-10 of Act 154 (40 P.S. §625-10):
 - (i) issuance of an order to cease and desist;
 - (ii) imposition of a civil penalty not to exceed \$5,000 for each violation of the Act; and

- (iii) imposition of such other conditions as the Department may deem 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 the activities and conduct identified in paragraph 3 above and any other activities or conduct that may constitute a violation of the Commonwealth's insurance laws.
- (b) Respondent shall immediately surrender any and all insurance licenses.
- (c) Respondent shall not seek relicensure for a period of five (5) years from the date of this Order.
- (d) Should Respondent ever become licensed by the Department in any capacity, Respondent's license(s) may be immediately suspended by the Department following its investigation and determination that:
 - (i) any terms of this consent have not been complied with; or
 - (ii) any complaint against Respondent is accurate and a statute or regulation has been violated.
- (e) The Department's right to immediately suspend Respondent's license accordingly, as set forth above, is limited to a period of five (5) years from the date of issuance of any subsequent license issued to the Respondent by

Law, supra, or other relevant provision of law.

10. 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 provisions of law.

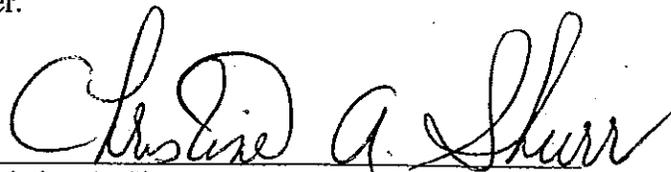
11. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

12. Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order. -

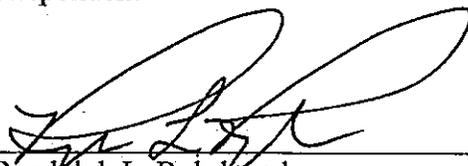
13. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all parties hereto.

14. This Order shall be final upon execution by the Deputy Insurance Commissioner. Only the Insurance Commissioner or her 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 Order is not effective until executed by the Insurance Commissioner or her duly authorized Deputy Insurance Commissioner. The penalties,

if any, imposed by this Order are not effective until execution by the Insurance Commissioner or her duly authorized Deputy Insurance Commissioner.



Christine A. Shurr
Respondent



Randolph L. Rohrbaugh
Deputy Insurance Commissioner
Commonwealth of Pennsylvania