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BEFORE THE INSURANCE COMMISSIONER'S OFFICE
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE: :
: :
Application of Victor R. Tabaac, Jr. : Pursuant to the Violent Crime Control and
Requesting Written Consent to Engage in the : Law Enforcement Act of 1994, 18 U.S.C.
Business of Insurance : §1033
: :
: Docket No. CW04-01-032

CONSENT ORDER

AND NOW, this *11th* 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. 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, supra, or other applicable law.

FINDINGS OF FACT

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

- (a) Applicant is Victor R. Tabaac, Jr., and maintains his address at 824 Clarendon Road, Rydal, Pennsylvania 19046.

- (b) Applicant currently does not possess any licensing to transact insurance business in this Commonwealth.

- (c) In April, 1996, Applicant pleaded guilty to, and/or was found guilty of, two felony counts of Florida Statute 893.03(2)(a)4, Possession of a controlled substance, cocaine, and two felony counts of Florida Statute 893.13(6)(a), (L3), Possession of a controlled substance, cocaine, in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida.

- (d) In May, 1996, Applicant pleaded guilty to and/or was found guilty of one felony count of Florida Statute 893.03(2)(a)5, Possession of a controlled substance, cocaine, and one felony count of Florida Statute 893.13(6)(a), (L3), Possession of a controlled substance, cocaine, in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida.

(d) On October 23, 2003, Applicant submitted an application to the Pennsylvania Insurance Department for written consent to engage in the business of insurance pursuant to 18 U.S.C. §1033(e)(2).

(e) The activities in which Applicant desires to engage constitute the business of insurance within the meaning of 18 U.S.C. § 1033(e)(1)(A) and (f).

CONCLUSIONS OF LAW

3. In accordance with the above Findings of Fact and applicable provisions of law, the Deputy Insurance Commissioner 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's conviction of possession of a controlled substance is a criminal felony involving dishonesty or a breach of trust within the meaning of 18 U.S.C. §1033(e)(1)(A).

- (c) Accordingly, Applicant may not engage in the business of insurance without a written consent issued by the Deputy Insurance Commissioner pursuant to 18 U.S.C. § 1033(e)(2).

ORDER

4. Accordingly, the Deputy Insurance Commissioner 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) Applicant has agreed to enroll in, comply with in every respect, and meet the requirements of the Agents Helping Agents program as a condition of the Order.
- (c) Pursuant to 18 U.S.C. § 1033(e)(2), and upon proper licensure, Applicant may engage in the business of insurance as an insurance producer, 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. The term of this Order shall remain in place for a period of five years and, thereafter, unless and until the Department or the Commissioner terminates the Order. Nothing in this Order shall preclude the Department, the Deputy Commissioner or the Commissioner, in their 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, the Deputy Commissioner or the Commissioner in accordance with the procedures set forth in paragraph 14 of this Order. Further, Applicant shall not apply nor otherwise seek to reduce or remove the restrictions contained in this Order for a period of at least five years.

6. Following the five-year period referenced in paragraph 5, 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 referenced in paragraph 5. Should the Insurance Department or the Commissioner, terminate this Order after the five year period referenced in paragraph 5, 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).

7. The Department's conditional consent permitting Applicant to engage in the business of insurance, and any certificates and licenses issued to Applicant by the Department, 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.

8. 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 sixty (60) days of the Department's receipt of Applicant's written request for a hearing.

9. At the hearing referred to in paragraph 8 above, Applicant shall have the burden of demonstrating that he is worthy of an insurance certificate and license and a conditional consent to engage in the business of insurance. In the event Applicant's conditional consent, certificates, and licenses are suspended pursuant to paragraph 8 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 certificate and license, Applicant's suspended conditional consent, certificates and licenses shall be revoked.

10. 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.

11. Alternatively, in the event the Deputy Insurance Commissioner finds that there has been a breach of any provisions of this Order, the Deputy Insurance 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.

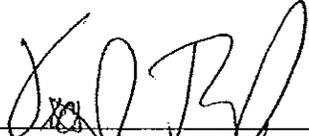
12. In any such enforcement proceeding, Applicant may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact or Conclusions of Law contained herein.

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

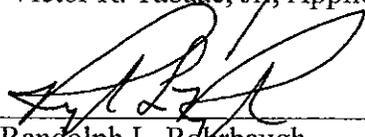
14. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

15. 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 matters addressed herein, and this Consent Order is not effective until executed by the Insurance Commissioner or the duly authorized Deputy Insurance Commissioner.

BY:



Victor R. Tabaac, Jr., Applicant



Randolph L. Rohrbaugh
Deputy Insurance Commissioner
Commonwealth of Pennsylvania

AGENTS HELPING AGENTS**AGENTS AND BROKERS SUPERVISED PROBATION AGREEMENT**

In consideration of a Consent Order, entered in the matter of VIC TABAAC, JR, Docket No. 0204-01-037 of Pennsylvania Insurance Department (herein the "Department") permitting, inter alia Vic Tabaac, Jr. ("Agent") to serve a period of probation and supervision while retaining an agent and/or broker certificate/license under the supervision of Agents Helping Agents, Inc. (herein the "AHA"), and the Agent agree:

- I. **PURPOSE:** The Department has accepted documentation provided by AHA and has determined, based upon the information that chemical dependency or abuse was a casual factor in misconduct by the Agent which may be grounds for censure, supervision or revocation of the Agent's license(s) or other penalties which may be imposed by the Department.

The Agent has made application for admission to a special supervised probation program that has been developed by AHA to address the issues raised because of the interrelation of, and casual relationship between the chemical dependency of the Agent and the misconduct.

The Agent has entered into a Consent Order with the Department which sets forth the terms and conditions under which the Department will permit the Agent to retain his license(s). The retention of such license(s) is contingent on: (1) the Agent's compliance with all terms and conditions of this Agreement and the Consent Order; and (2) the Agent's consent that AHA shall be permitted to perform certain monitoring and supervisory services.

- II. **DURATION:** The period of this agreement is from 3/31/04 to 3/30/06

- III. **CONDITIONS OF SUPERVISED PROBATION:** The Agent agrees to the following essential terms and conditions: [include the following items and others as appropriate]

- 1) full compliance with all terms and conditions of the Consent Order;
- 2) cooperation in the filing of reports to AHA or its designated Sobriety Monitor, including but not limited to providing the information requested by the report and signing any releases necessary to obtain information from outside parties;
- 3) make full restitution as set forth in the Consent Order (if applicable).
- 4) restrict the business of insurance the Agent shall conduct insofar as N/A
- 5) cooperate fully and file timely reports with the Sobriety, Financial or Business Monitor designated by AHA;

- 6) abstain from using alcohol, drugs, or any other mood altering or mind altering chemicals, except as may be prescribed by a physician with the knowledge of AHA;
- 7) meet in person with the Sobriety Monitor and the Financial or Business Monitor (if applicable) at least monthly, unless the Monitor(s) request a different schedule, and maintain weekly contact with the Sobriety Monitor;
- 8) provide the Monitor(s) designated by AHA with properly executed written authorizations as may be necessary for the Monitor(s) to verify compliance by the Agent with any required professional or substance abuse treatment.

IV. DESIGNATION OF SOBRIETY MONITOR: AHA shall have the primary responsibility for monitoring the Agent's compliance with all terms and conditions herein and agrees to promptly report to the Department any violations thereof. To this end, AHA will designate a qualified person to act as a Sobriety Monitor, as that term is defined in the Program Guidelines for the Impaired Agents and Brokers Supervised Probation which are attached hereto as Exhibit B and which are incorporated herein by reference. AHA agrees that it shall supervise the Sobriety Monitor to ensure that such Monitor performs the following duties:

- 1) monitor the compliance by the Agent with the terms and conditions of the order imposing Supervised Probation;
- 2) meet in person with the Agent monthly, and maintain weekly telephone contact with the Agent;
- 3) file with the AHA periodic reports outlining Agent's progress;
- 4) immediately report to the AHA any violations by the Agent of the terms and conditions of the Supervised Probation Agreement.

V. EXCHANGE OF INFORMATION: The Agent hereby waives any right of confidentiality to the information identified herein which AHA agrees to gather and which AHA may supply to the Department. The Agent agrees not to seek, by any means, any information or documents from AHA other than documents which AHA is required to provide pursuant to this Agreement.

VI. CONFIDENTIALITY: Except as specifically set forth in this Agreement, the Agent agrees not to seek any documents or testimony from AHA, its board members, employees, agents or volunteers by subpoena or other means in any civil or administrative proceeding except for documents or testimony from AHA in any proceeding against the Agent to enforce the Consent Order or this Agreement. The Agent further agrees to maintain the anonymity of any recovering person who acts as a volunteer for AHA unless such volunteer

expressly agrees in writing to such disclosure.

VII. TESTIMONY: AHA agrees that, in the event the Agent becomes the subject of a Department administrative hearing arising from alleged violations of the terms of this Agreement or the Consent Order, AHA, through its board members, officers, employees, agents and volunteers, will be made available to testify at such hearing provided that such testimony shall be limited to authenticating any reports submitted to AHA concerning the Agent and the basis for the information, including the furnishing of supporting documentation, for any report made to the Department. Under no circumstances will AHA, its board members, employees, agents or volunteers be required to testify beyond the scope of the information contained in such reports. The Agent agrees that AHA will be permitted to be represented by counsel in any such proceeding solely for the purpose of preserving confidential information and limiting the scope of testimony as set forth herein.

VIII. EVIDENCE OF VIOLATIONS: The Agent agrees:

- a) That a Non-Compliance Report authenticated by AHA shall be prima facie evidence of the Agent's non-compliance with the terms of this agreement and the Consent Order;
- b) That any laboratory report submitted to the Department by AHA shall be admitted into evidence without objection in a Department administrative hearing arising from alleged violations of the terms of this Agreement or the Consent Order, without the need for further authentication or the need to establish the chain of custody
- c) That any such report which indicates the use of alcohol or drugs not prescribed by a physician shall be prima facie evidence of violation of this Agreement or the Consent Order.

IX. LIMITATION OF LIABILITY: The Agent agrees that he or she will not seek to hold AHA, its board members, employees, agents or volunteers liable in any civil or administrative proceeding, including but not limited to, agent and/or broker administrative enforcement actions, for any conduct performed pursuant to this agreement, except for willful and wanton acts. The Agent agrees to indemnify and hold harmless AHA for any costs, expenses or attorney fees incurred in the course of enforcing this limitation of liability.

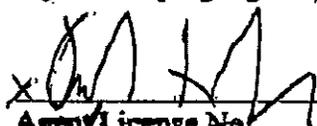
X. DEPARTMENT AS SOLE DETERMINER OF CERTAIN MATTERS: The Agent agrees that the Department will determine, in its sole discretion, 1) whether or not chemical dependency was casually related to the misconduct, and 2) whether the Agent may be a candidate for the Program. Even if chemical dependency exists and is casually related to the misconduct and violations, the Department retains the right to pursue an enforcement action in the usual manner. All determinations of the Department as to the Program shall be final. The Agent cannot, and agrees will not, appeal a determination of the Department.

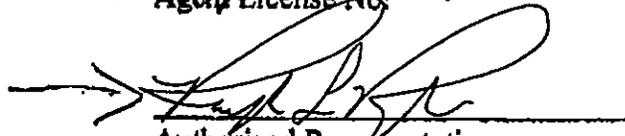
XI. EXECUTION OF AGREEMENT: This Agreement shall be executed by all parties hereto in triplicate.

IN WITNESS THEREOF, the undersigned agree to this Agreement on this 31st day of March 2004



Walter S. Mitchell, President
Agents Helping Agents, Inc.

x 
Agent License No.



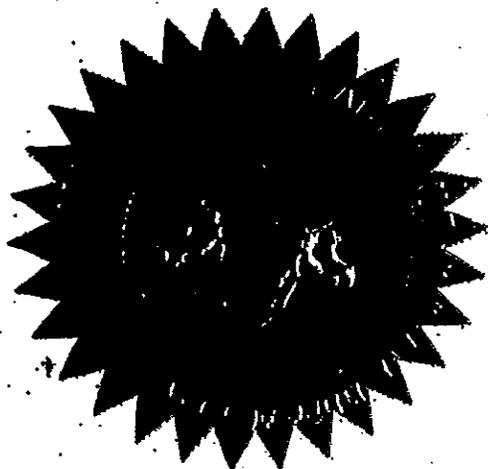
Authorized Representative
Pennsylvania Insurance Department

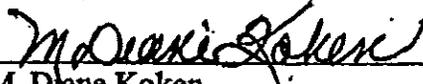
BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE: The Act of April 9, 1929, P.L. 177, No. 175, known as The
Administrative Code of 1929

AND NOW, this 29 day of April, 2002, Randolph L.

Rohrbaugh, Deputy Insurance Commissioner, is hereby designated as the
Commissioner's duly authorized representative for purposes of entering in and executing
Consent Orders. This delegation of authority shall continue in effect until otherwise
terminated by a later Order of the Insurance Commissioner.





M. Diane Koken
Insurance Commissioner