

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

In Re: :
: :
SUANNE M. BENDER : Pursuant to sections 611-A(14), (15), and
85 Old Bethlehem Road : (20) of Act 147 of 2002 (40 P.S. §§310.11)
Quakertown, PA 18951 : :
Respondent. : Docket No. CO07-04-001

CONSENT ORDER

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INSURANCE DEPARTMENT
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ADMIN HEARINGS OFFICE

AND NOW, this 30th day of March, 2007, 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. Suanne M. Bender ("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 Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Respondent is Suanne M. Bender and maintains her address at 85 Old Bethlehem Road, Quakertown, PA 18951.
- (b) Respondent was convicted in 1998 of felony "Retail Theft." Respondent was also convicted of several misdemeanor "Retail Theft" charges between 1997 and 2004.
- (c) Since 2004, it appears that Respondent has had no further criminal convictions.
- (d) Respondent has submitted an application for a resident insurance producer license to the Department.

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) Respondent is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) Respondent's activities, above, constitute violations of Pennsylvania

Insurance laws, specifically:

- (i) Respondent committed a felony or its equivalent. 40 P.S. §310.11(14).
 - (ii) Respondent committed misdemeanors involving the misuse or theft of money or property belonging to another person. 40 P.S. §310.11(15).
 - (iii) Respondent demonstrated a lack of general fitness, competence or reliability sufficient to satisfy the Department that the Respondent is worthy of licensure. 40 P.S. §310.11(20).
- (c) 40 P.S. §310.11 and 40 P.S. §310.91 allow the Department to deny an application for a license where an applicant does not possess the professional competence and trustworthiness required to engage in the business of insurance.
- (d) Respondent's criminal history reflects upon her worthiness to receive an insurance license.

ORDER

5. In accord with the above Findings of Fact and Conclusions of Law, the Insurance Department orders and Respondent consents to the following:

- (a) Respondent understands her rights to a formal administrative hearing in this matter and hereby waives the same. Respondent further agrees that the agreements contained herein shall have the same force and effect of an Order entered in accordance with Administrative Agency Law, 2 Pa.C.S. §101 et seq. or other applicable law.
- (b) Respondent shall cease and desist from any future violations of Pennsylvania insurance laws.
- (c) On or after May 01, 2008, Respondent may reapply for licensure without consideration by the Department of the criminal convictions noted above as disqualifying factors.
- (d) In the event that Respondent should ever become licensed by the Department in the future, her 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. The Department's right to act under (ii) above is limited to a period of five (5) years from the date of issuance of such licenses.
- (e) 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.

- (f) At the hearing referred to in paragraph 5(e) of this Order, Respondent shall have the burden of demonstrating that she is worthy of an insurance license.
- (g) In the event Respondent's certificates and licenses are suspended pursuant to paragraph 5(d) 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 licenses shall be revoked.
- (h) 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 any 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.

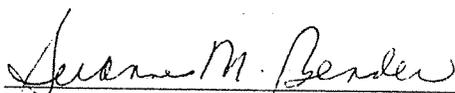
- (i) Alternatively, in the event the Insurance Department finds that there has been a breach of any provisions of this Order, the Insurance Department may declare this Order to be null and void and, thereupon, reopen the entire matter for appropriate action pursuant to the Administrative Agency Law, supra, or other relevant provision of law.
- (j) 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 or Conclusions of Law contained herein.
- (k) Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

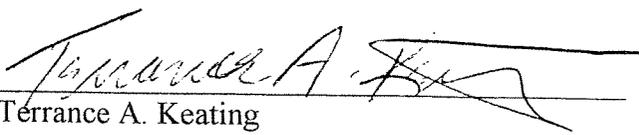
6. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all parties hereto.

7. Miscellaneous:

- (a) Captions and Section headings. Captions used herein are for convenience only and are not part hereof and shall be used in construing this Agreement.
- (b) Governing Law. This Agreement shall be governed by, and construed in accordance with, the laws of the Commonwealth of Pennsylvania.
- (c) Copies. This Agreement may be executed in multiple copies, each of which shall be treated as an original.

8. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or his duly authorized delegee 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 delegee.

BY: 
Suanne M. Bender
Respondent


Terrance A. Keating
Deputy Chief Counsel on behalf of the
Commonwealth of Pennsylvania
Insurance Department