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INSURANCE DEPARTMENT
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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
MATTHEW A. DELP, JR. 24 Lehmann Drive Douglassville, PA 19518	:	Sections 611-A(20) and 671-A of Act 147 of 2002 (40 P.S. §§ 310.11)
Respondent.	:	Docket No. CO07-11-006

CONSENT ORDER

AND NOW, this 17th day of January, 2008, 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. Respondent hereby admits and acknowledges that he has received proper notice of his 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.

3. Without admitting the allegations of fact and conclusions of law contained herein, Respondent specifically denies that it violated any law or regulation of the Commonwealth.

FINDINGS OF FACT

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

(a) Respondent is Matthew A. Delp, Jr., and maintains his address at 24 Lehmann Drive, Douglassville, Pennsylvania 19518.

(b) Respondent has been a licensed producer in Pennsylvania since 1983. His resident producer license #409383 will expire on July 28, 2008.

(c) On March 7, 2005, Respondent solicited and sold an ING annuity contract to Dorothy Bean.

(d) When soliciting the above annuity, Respondent made misrepresentations with respect to his ability to act as an agent of ING for the purpose of selling the annuity contract because he was not appointed with ING. He affixed his father's license number to the above application, Matthew A. Delp, Sr., ING license number #160259, without the permission of Mr. Delp, Sr.

(e) On March 23, 2005, Respondent solicited and sold an ING annuity contract to Donna Metzger.

(f) When soliciting the above annuity, Respondent made misrepresentations with respect to his ability to act as an agent of ING for the purpose of selling the annuity contract because he was not appointed with ING. He affixed his father's license number to the above application, Matthew A. Delp, Sr., ING license number #160259, without the permission of Mr. Delp, Sr.

(g) On October 25, 2007, Respondent acknowledged to the Department that he solicited and sold the ING annuity contracts to Dorothy Bean and Donna Metzger without an appointment, and that he utilized his father's ING license number when completing the applications without his permission.

(h) Respondent indicated to the Department that he would be willing to surrender his insurance license to resolve this matter.

CONCLUSIONS OF LAW

5. 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) Section 611-A(20) of Act 147 of 2002 prohibits a licensee from demonstrating a lack of general fitness, competence or reliability sufficient to satisfy the department that the licensee is worthy of licensure (40 P.S. § 310.11).

(c) Respondent's activities described above in paragraphs 3(c) through 3(h) violates Section 611-A(20) of Act 147 of 2002.

(d) Section 671-A of Act 147 of 2002 states a licensee shall not act on behalf of or as a representative of the insurer unless the insurance producer is appointed by the insurer (40 P.S. § 310.71).

(e) Respondent's activities described above in paragraphs 3(c) through 3(h) violates Section 671-A of Act 147 of 2002.

(f) Respondent's violations of Sections 611-A(20) and 671-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

6. In accord with the above Findings of Fact and Conclusions of Law, the Insurance Department 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.

(b) Respondent shall surrender all licenses/certificates to conduct the business of insurance within the Commonwealth of Pennsylvania as of the date of this Consent Order.

(c) If Respondent should ever become licensed in the future, his 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. 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 certificates and licenses.

(d) Respondent specifically waives his 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 he is worthy of an insurance certificate and license.

(f) In the event Respondent's certificates and licenses are suspended pursuant to paragraph 5(c) above, and Respondent either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that he is worthy of a certificate and license, Respondent's suspended certificates and licenses shall be revoked.

7. 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 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.

8. Alternatively, in the event the Insurance Department finds that 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.

9. 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.

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

11. 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.

12. 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 a duly authorized delegee.

BY: _____
MATTHEW A. DELP, JR., Respondent

_____
COMMONWEALTH OF PENNSYLVANIA
By: Randolph L. Rohrbaugh
Deputy Insurance Commissioner