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INSURANCE DEPARTMENT
2011 MAY 5 PM 1:23
ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE: : VIOLATIONS:
: :
RICHARD HAYWARD : 40 P.S. §§ 310.11(20) and 310.78(a)
2233 Blossomwood Drive : and 310.78(b)
Oviedo, Florida 32765 :
: Respondent. : Docket No. CO11-03-022

CONSENT ORDER

AND NOW, this *5th* day of *May*, 2011, 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.

FINDINGS OF FACT

3. The Insurance Department finds true and correct each of the following

Findings of Fact:

- (a) Respondent is Richard Hayward and maintains his address at 2233 Blossomwood Drive, Oviedo, Florida 32765.
- (b) Respondent was a Pennsylvania non-resident producer. His non-resident producer license No. 522298 became effective May 22, 2008 and expired January 31, 2011.
- (c) Respondent, on or about September 11, 2008 was charged by the Winter Garden Police Department (Orange County, Florida) with the misdemeanor crime of "Obtaining Credit Cards Through Fraudulent Means" under Information No. 48-2008-CF-013848-0
- (d) Respondent, on or about July 1, 2009 in the Circuit Court of Orange County, Florida Pled "Nolo Contendere" to the misdemeanor crime under Florida

Statute 17.60 “obtaining credit cards through fraudulent means”. Respondent was sentenced to one (1) day in jail and twelve (12) months probation.

- (e) Respondent failed to notify the Department within 30 days of being charged with criminal conduct on September 11, 2008. Respondent did notify the Department on August 27, 2009 of the criminal conduct that he pled to on July 1, 2009.
- (f) Respondent, on or about August 11, 2009 had his Kentucky insurance license, No. 681096 revoked as a result of his plea of “Nolo Contendere” to the criminal misdemeanor charge of “Obtaining Credit Cards Through Fraudulent Means” under file No. 2009-0321.
- (g) Respondent failed to notify the Department of the administrative action taken against him by the Kentucky Department of Insurance on August 11, 2009 within thirty (30) days of the final disposition of the matter.
- (h) Respondent, on or about December 16, 2009 had his Virginia insurance license revoked by the State Corporation Commission for the Commonwealth of Virginia under case No. INS-2009-00271. Respondent failed to report to the Virginia Commission within thirty (30) days the administrative action that was taken against him by the state of Kentucky.

- (i) Respondent failed to notify the Department of the administrative action taken against him by the State Corporation Commission for the Commonwealth of Virginia on December 16, 2009 within thirty (30) days of the final disposition of the matter.

- (j) Respondent, on or about March 22, 2011 indicated to the Department that he is out of the insurance business and that he would be willing to sign a consent order revoking his Pennsylvania non-resident producer insurance license.

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) 40 P.S. § 310.11(20) 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.

- (c) Respondent's activities described above in paragraphs 3(c) through 3(i) violate 40 P.S. § 310.11(20).

- (d) 40 P.S. § 310.78(a) requires a licensee to report any administrative action taken in another jurisdiction or by another governmental agency within 30 days of the final disposition, to include a copy of the order, consent order or other relevant legal documents.
- (e) Respondent's activities described above in paragraphs 3(c) through 3(i) violate 40 P.S. § 310.78(a).
- (d) 40 P.S. § 310.78(b) requires that within 30 days of being charged with criminal conduct, a licensee shall report the charges to the Department. The licensee shall provide the Department with a copy of the criminal complaint, information or indictment, a copy of the order resulting from any pretrial hearing, and a report of the final disposition of the charges.
- (e) Respondent's activities described above in paragraphs 3(c) through 3(e) violate 40 P.S. § 310.78(b).
- (f) Respondent's violations of Sections 310.11(20) and 310.78(a) and 310.78(b) are punishable by the following, under 40 P.S. § 310.91:

- (i) suspension, revocation or refusal to issue the license;
- (ii) imposition of a civil penalty not to exceed five thousand dollars (\$5,000.00) for every 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 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) All licenses of Respondent to do the business of insurance are hereby revoked.
- (c) If Respondent should ever become licensed in the future, his 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 this section is limited to a period of five (5) years from the date of issuance of such 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 license.
- (f) In the event Respondent's 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 license, Respondent's suspended licenses shall be revoked.

6. 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.

7. 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.

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.

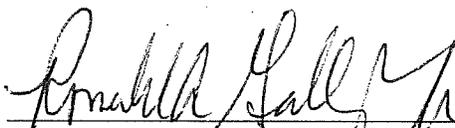
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

11. This Order shall be final upon execution by the 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:



RICHARD HAYWARD, Respondent



COMMONWEALTH OF PENNSYLVANIA
By: RONALD A. GALLAGHER, Jr.
Deputy Insurance Commissioner