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INSURANCE DEPARTMENT
2007 MAY -8 AM 10:42
ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

In Re:

LUKE D. MYERS
3550 Street Road, Apt. A5
Bensalem, PA 19020

:
:
: Pursuant to sections 611-A(20) of Act 147 of
: 2002 (40 P.S. §§310.11) and 31 Pa Code
: §37.46(7)(i)(A)
:
: Docket No. CO07-04-028

CONSENT ORDER

AND NOW, this 7th day of MAY, 2007, this Order is hereby issued by the Commonwealth of Pennsylvania Insurance Department pursuant to the statutes cited above and in disposition of the matter captioned above.

1. Luke D. Myers ("Applicant") 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. 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

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

- (a) Applicant is Luke D. Myers and maintains his address at 3550 Street Road, Apt. A5, Bensalem, PA 19020.
- (b) Applicant was convicted in 2003 of Possession with Intent to Deliver a Controlled Substance, a felony, and Cruelty to Animals, a misdemeanor.
- (c) Applicant 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) Applicant is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 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.

- (c) Applicant's criminal history reflects upon his 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) Applicant understands his rights to a formal administrative hearing in this matter and hereby waives the same. Applicant 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) Applicant shall cease and desist from any future violations of Pennsylvania insurance laws.
- (c) Applicant agrees that his appeal shall be deemed withdrawn as of the date of the execution of this Agreement.
- (d) One year from the date of this Order, Applicant may reapply for licensure without consideration by the Department of the criminal convictions noted-above as disqualifying factors in accordance with all

requirements of 40 PS 310.4; 310.5; and 310.6.

- (d) In the event that Applicant should ever become licensed by the Department 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 Applicant 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) Applicant 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 Applicant 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 Applicant's written request.

- (f) At the hearing referred to in paragraph 5(e) of this Order, Applicant shall have the burden of demonstrating that he is worthy of an insurance license.

- (g) In the event Applicant's certificates and licenses are suspended pursuant to paragraph 5(d) above, and Applicant either fails to request a hearing

within thirty (30) days or at the hearing fails to demonstrate that he is worthy of a license, Applicant'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, 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.

- (k) Applicant 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:

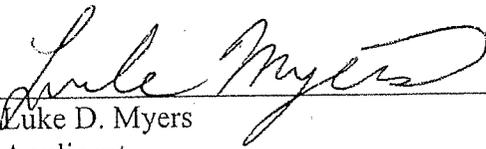
- (a) Captions and Section headings. Captions used herein are for convenience only and are not part hereof and shall be used in construing this Agreement.

- (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 his delegee

BY: 
Luke D. Myers
Applicant


COMMONWEALTH OF PENNSYLVANIA
By: Terrance A. Keating
Deputy Chief Counsel



**COMMONWEALTH OF PENNSYLVANIA
INSURANCE DEPARTMENT
ADMINISTRATIVE HEARINGS OFFICE**
901 North Seventh Street
Room 200
Harrisburg, PA 17102

Phone (717) 783-2126
Fax (717) 787-8781
Email Hearings@ins.state.pa.us

May 8, 2007

Luke D. Myers
3550 Street Road, Apt. A5
Bensalem PA 19020

RE: **LUKE D. MYERS**
CONSENT ORDER
Docket No. **CO07-04-028**

Dear Mr. Myers:

I am mailing this date a Consent Order executed by Terrance A. Keating, Deputy Chief Counsel.

Sincerely,

A handwritten signature in cursive script that reads "Christina M. Koles".

Christina M. Koles
Hearings Coordinator

cc: ✓ Sharon Fraser, Administrative Assistant
Bureau of Enforcement

Jim Krebs, Chief
Bureau of Producer Services

Terrance A. Keating
Deputy Chief Counsel