

RECEIVED
INSURANCE DEPARTMENT

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

2008 AUG 27 PM 12: 12

ADMIN HEARINGS OFFICE

IN RE:	:	VIOLATIONS:
	:	
RICHARD J. PANKOWSKI	:	Sections 611-A(2), 611-A(8),
278 Freeport Road	:	and 611-A(20) of Act 147 of
Pittsburgh, PA 15238	:	2002 (40 P.S. §§ 310.11)
	:	
	:	
Respondent.	:	Docket No. CO08-06-021

CONSENT ORDER

AND NOW, this *27th* day of *August*, 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.

FINDINGS OF FACT

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

Findings of Fact:

- (a) Respondent is Richard J. Pankowski, and maintains his address at 278 Freeport Road, Pittsburgh, Pennsylvania 15238.
- (b) At all relevant times herein, Respondent has been a licensed insurance producer in Pennsylvania.
- (c) Respondent surrendered his insurance licenses in Montana, Case #INS-2005-19, on July 27, 2007, for violations of its laws and regulations against six policyholders.
- (d) Respondent's violations of Montana's insurance laws included the taking of applications for life insurance with Jefferson Pilot Insurance Company from clients during 2003, although he possessed no insurance license, misrepresentation on applications for life insurance by claiming he signed the applications in Montana, whereas they were signed in Pittsburgh, Pennsylvania, the use of forms not approved for use in Montana, and the failure to complete replacement forms pertinent to the sale of life insurance.

- (e) On August 1, 2007, Respondent reported to the Pennsylvania Insurance Department that he had surrendered his licenses to Montana per the aforementioned case number and provided a copy of the Consent Order.

- (f) On May 15, 2008, Respondent was interviewed and confirmed the aforementioned action taken by Montana. He acknowledged that Montana had allowed him to surrender his license, without a financial penalty, in lieu of revocation.

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) Section 611-A(2) of Act 147 of 2002 (40 P.S. § 310.11) prohibits a licensee from violating an order of this Commonwealth's insurance commissioner or another state's insurance commissioner.

- (c) Respondent's activities described above in paragraphs 3(c) through 3(f) violate Section 611-A(2) of Act 147 of 2002.

- (d) Section 611-A(8) of Act 147 of 2002 (40 P.S. § 310.11) prohibits a licensee from having a producer license or other financial services license denied, suspended or revoked by a governmental entity.

- (e) Respondent's activities described above in paragraphs 3(c) through 3(f) violate Section 611-A(8) of Act 147 of 2002.

- (f) 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).

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

- (h) Respondent's violations of Sections 611-A(2), 611-A(8), and 611-A(20) 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

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) Respondent shall pay a civil penalty of One Thousand Dollars (\$1,000.00) to the Commonwealth of Pennsylvania. Payment of this penalty shall be made by certified check or money order, payable to the Commonwealth of Pennsylvania. Payment should be directed to Ginny Marquart, Administrative Assistant, Bureau of Enforcement, 1227 Strawberry Square, Harrisburg, Pennsylvania 17120. Payment may be enclosed with the Consent Order, but must be paid in any event no later than thirty (30) days after the date of the Consent Order.

- (c) Respondent's 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 this section is limited to a period of three (3) years from the date of this Order.
- (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 a 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 license, Respondent's suspended certificates and 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.

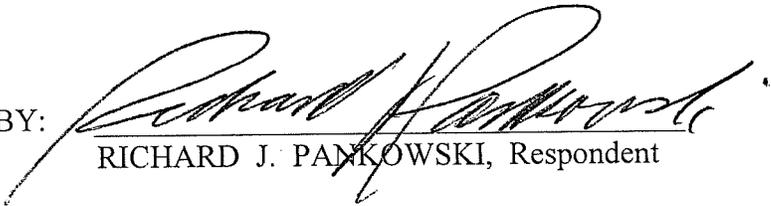
7. Alternatively, in the event the Insurance Department finds that there has been a breach of any of the provisions of this Order, the Department may declare this Order to be null and void and, thereupon, reopen the entire matter for appropriate action pursuant to the Administrative Agency Law, supra, or other relevant provision of law.

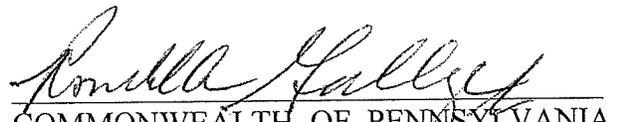
8. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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 J. PANKOWSKI, Respondent


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

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 22nd day of July, 2008, Ronald A.

Gallagher, 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.



Joel S. Ario
Insurance Commissioner

