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INSURANCE DEPARTMENT

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BEFORE THE INSURANCE COMMISSIONER
OF THE ADMIN HEARINGS OFFICE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
DRAKE O. PARKER	:	Sections 611-A(5) and 611-A(20)
316 Willow Street	:	of Act 147 of 2002 (40 P.S.
Meadville, PA 16335	:	§§ 310.11)
	:	
	:	
Respondent.	:	Docket No. CO07-02-007

CONSENT ORDER

AND NOW, this 27th day of April, 2007, this Order is hereby issued by the Deputy Insurance Commissioner 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 Deputy Insurance Commissioner finds true and correct each of the following Findings of Fact:

- (a) Respondent is Drake O. Parker, and maintains his address at 316 Willow Street, Meadville, Pennsylvania 16335.
- (b) Respondent first became licensed as a producer in Pennsylvania on November 26, 2002. His license # 389841 expired on November 26, 2006 and he has failed to renew it.
- (c) Respondent, as an appointed agent with Conseco, between December 6, 2005 and January 10, 2006, signed and submitted twenty (20) health care insurance applications to Conseco that misrepresented the correct information pertaining to the applications.

- (d) Consecro advised the Insurance Department that policies were issued for all of the twenty (20) applications submitted by Respondent, but all the policies were cancelled due to lack of premium payments. Respondent did receive a commission of \$ 2,839.66 for the twenty (20) policies issued.
- (e) Consecro advised the Insurance Department that through their research, it was determined that the applicants' information on the application was false and the applicants do not exist. The information regarding names, addresses, telephone numbers and social security numbers placed on the applications was false.
- (f) Respondent, on or about January 18, 2007, acknowledged to the Insurance Department that he was negligent in his submission of the 20 health care insurance applications to Consecro between December 6, 2005 and January 10, 2006.
- (g) On or about January 18, 2007, Respondent acknowledged to the Department that during the enrollment process of the 20 applications, the applicants would complete the applications on their own and Respondent would never verify the information on the applications or request identification from the applicants. Respondent indicated that it was never his intention to submit bad business to Consecro.

- (h) Respondent, on or about January 18, 2007, acknowledged to the Department that he is out of the insurance business, his insurance license has expired, and he is willing to settle this matter via revocation of his insurance license.

CONCLUSIONS OF LAW

4. In accord with the above Findings of Fact and applicable provisions of law, the Deputy Insurance Commissioner concludes and finds the following Conclusions of Law:

- (a) Respondent is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) Section 611-A(5) of Act 147 of 2002 prohibits a licensee from intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance (40 P.S. § 310.11).
- (c) Respondent's activities described above in paragraphs 3(c) through 3(h) violates Section 611-A(5) of Act 147 of 2002.
- (d) 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).

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

- (f) Respondent's violations of Sections 611-A(5) and (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 Deputy Insurance Commissioner 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/certificates of Respondent to do insurance business are hereby revoked.
- (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.

6. In the event the Deputy Insurance Commissioner 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 Deputy Commissioner finds that there has been a breach of any of the provisions of this Order, the Deputy Commissioner 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.

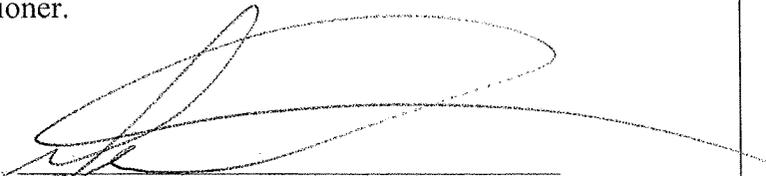
8. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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 Deputy Insurance Commissioner. Only the Insurance Commissioner or the duly authorized Deputy Insurance Commissioner is authorized to bind the Insurance Department with respect to the settlement of the alleged violation of law contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or the duly authorized Deputy Insurance Commissioner.

BY:

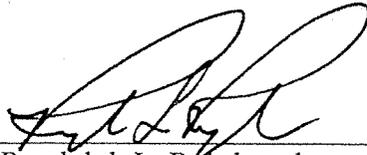

DRAKE O. PARKER, Respondent


TERRANCE A. KEATING
Deputy Chief Counsel
Commonwealth of Pennsylvania

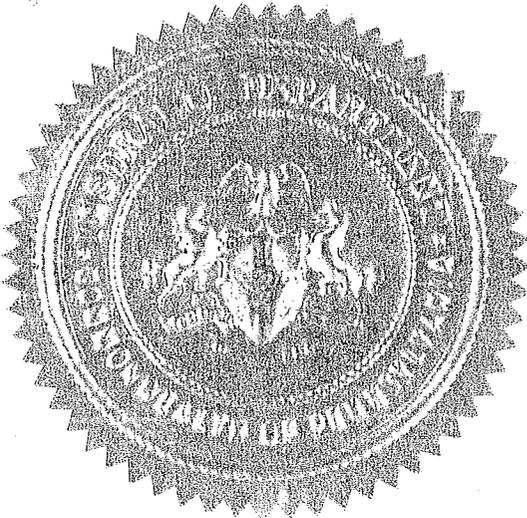
BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE: The Act of April 9, 1929, P.L. 177, No. 175, known as The Administrative Code of 1929

AND NOW, this 20th day of February, 2007, Terrance A. Keating, Deputy Chief Counsel, is hereby designated as the Acting Commissioner's duly authorized representative for purposes of entering into, and executing, Consent Orders. This delegation of authority shall continue in effect until otherwise terminated by a later Order of the Insurance Commissioner.



Randolph L. Rohrbaugh
Acting Insurance Commissioner



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BUREAU OF ENFORCEMENT

RECEIVED CHIEF COUNSEL
PA INSURANCE DEPT.

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