

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

In Re: Gregory F. Prezgar
130 Pride Drive
Belle Vernon, PA 15012

:
: Violations:
:
: Sections 611-A(7), (9), (17) and (20) of Act
: 147 of 2002 (40 P.S. §§310.11) and 40 P.S.
: §310.78(b).
:
: Docket No. CO07-04-025

CONSENT ORDER

AND NOW, this 18th 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.

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INSURANCE DEPARTMENT
2007 MAY 18 PM 2:46
ADMIN HEARINGS OFFICE

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. Respondent neither admits nor denies the Findings of Fact and Conclusions of Law contained herein.

FINDINGS OF FACT

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

- (a) Respondent, Gregory F. Prezgar ("Respondent") is a Pennsylvania licensed producer, individual producer license number 317701, expiration date of January 26, 2008.
- (b) On April 20, 2004, Respondent was arrested by the Western Regional Office of the Insurance Fraud Section of the Office of Attorney General for Intent to Defraud pursuant to 18 Pa.C.S. §4117.
- (c) On November 13, 2006, Respondent pled nolo contendere to said charge and received two years probation.
- (d) Respondent failed to disclose the arrest and disposition of the proceedings to the Department within 30 days of such pursuant to 40 P.S. §310.78(b).

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) Respondent's activities, above, constitute violations of Pennsylvania Insurance laws, specifically:
 - (i) Using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of doing business in this Commonwealth or elsewhere. 40 P.S. §310-11(7).

 - (iii) Forge another person's name on an application for insurance or on any document related to an insurance or financial service transaction. 40 P.S. §310.11(9).

 - (iv) Committing fraud, forgery, or dishonest acts or an act involving a breach of fiduciary duty. 40 P.S. §310.11(17).

 - (v) Committing such acts that render him unworthy to remain licensed. 40 P.S. §310.11(20).

- (c) Respondent's violations subject him to the following penalties under 40 P.S. §310.91:
 - (1) Denial, suspension, refusal to renew or revocation of

Respondent's license.

- (2) A civil penalty of up to \$5,000 per violation.
- (3) A cease and desist order.
- (4) 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's insurance license(s) are hereby surrendered for a period of one year as of the date of this order.
- (c) Respondent shall pay the sum of Five Thousand Dollars (\$5,000.00) to the Commonwealth of Pennsylvania. Payment shall be made by certified check or money order, payable to the Commonwealth of Pennsylvania. Payment should be directed to Sharon L. Fraser, Administrative Assistant, Bureau of Enforcement, 1321 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.

- (d) Upon expiration of the one year period referred to in paragraph 6(b) of this Order, should Respondent be eligible for licensure and become relicensed thereafter, his license(s) may be immediately suspended by the Department following its investigation and determination that (a) a penalty payment has not been made, and/or (b) any other terms of this Order have not been complied with, and/or (c) any complaint against Respondent is accurate and a statute or regulation has been violated. The Department's right to act under (c) above is limited to a period of five (5) years from the date of relicensure, if any.
- (e) 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.
- (f) At the hearing referred to in paragraph 6(e) of this Order, Respondent shall have the burden of demonstrating that he is worthy of an insurance license.

(g) In the event Respondent's license(s) are suspended pursuant to paragraph 6(d) above, and the 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 license(s) 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.

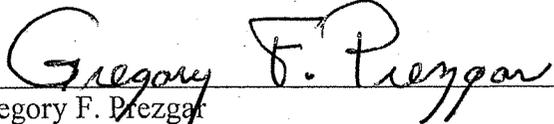
8. Alternatively, in the event the Insurance Department finds that there has been a breach of any of the provisions of this Order the Insurance Department may declare this Order to be null and void and, thereupon, reopen the entire matter for appropriate action pursuant to the Administrative Agency Law,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

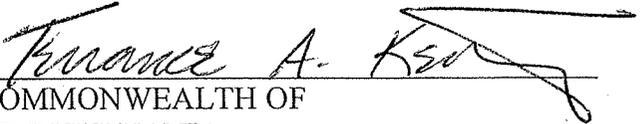
10. Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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 parties hereto.

12. 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.



Gregory F. P rezgar
Respondent



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