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INSURANCE DEPARTMENT  
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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE: : VIOLATIONS:  
: :  
ANN C. TRUSCHEL : 40 P.S. §§ 310.11 (1), (13)  
1911 Brushcliff Road : and 310.12(a)  
Pittsburgh, PA 15221 :  
: Respondent. : Docket No. CO12-11-020

CONSENT ORDER

AND NOW, this *9<sup>th</sup>* day of *January*, *2013*, 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 she 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 Ann C. Truschel and maintains her address at 1911 Brushcliff Road, Pittsburgh, PA 15221.
- (b) Respondent is, and at all times relevant hereto has been, a resident insurance producer.
- (c) Respondent failed to pay personal income tax from 2008 – 2010.
- (d) Respondent had certified tax liens filed against her in Allegheny County totaling \$49,921.07.
- (e) Respondent in 2008 and 2010 filed renewal applications for her producer license, misrepresenting on both applications that she was tax compliant when she was not.
- (f) Respondent entered a repayment plan with Pennsylvania Department of Revenue for \$49,921.07.

- (g) Respondent failed to respond to the Pennsylvania Department of Insurance Bureau of Consumer Services requests for information during the investigation.

#### 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(1) prohibits a licensee or an applicant for a license from providing incorrect, misleading, incomplete or false information to the Department in a license application.
- (c) Respondent's activities described above in paragraph 3(e) violate 40 P.S. § 310.11(1).
- (d) 40 P.S. § 310.11(13) prohibits a licensee or an applicant from failing to pay state income tax or comply with any administrative or court order directing the payment of state income tax.

- (e) Respondent's activities described above in paragraphs 3(c) and 3(d) violate 40 P.S. § 310.11(13).
  
- (f) 40 P.S. § 310.12(a) states a licensee who fails to provide a written response to the department within 30 days of receipt of a written inquiry from the department, or who fails to remit valid payment for all fees due and owing to the department shall, after notice from the department specifying the violation and advising of corrective action to be taken, correct the violation within 15 days of receipt of the notice.
  
- (g) Respondent's violations of 40 P.S. § 310.12(a) are punishable under Section 310.12(b), which provides if a licensee fails to correct the violation within 15 days of receiving notice, the department may assess an administrative fine or no more than \$100 per day per violation.
  
- (h) Respondent's activities described above in paragraph 3(g) violate 40 P.S. 310.12(a).
  
- (i) Respondent's violations of Sections 310.11(1), (13) and 310.12(a) 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) Respondent shall be compliant with all tax obligations including but not limited to, fully and timely complying with her 2012 Deferred Payment Plan and otherwise timely and accurately filing any and all requisite tax returns.
- (c) Upon demand by the Insurance Department, Respondent shall provide full, complete and immediate proof of compliance with her Deferred Payment Plan, or any other obligation with the Department of Revenue, in a manner and form acceptable to the Insurance Department. Further Respondent acknowledges that this provision must be strictly adhered to; failure to comply with this provision shall, in and of itself, be a material breach of this Order and an independent basis for suspending and/or revoking her license.

- (d) Should Respondent fail to make any payment by its due date, Respondent's licenses may be immediately suspended or revoked by the Insurance Department. Respondent acknowledges that this provision must be strictly adhered to; failure to comply with this provision shall, in and of itself, be a material breach of this Order and an independent basis for suspending and revoking her license.
- (e) This Order shall remain in effect until Respondent's Deferred Payment Plan is paid off in full and it is otherwise contingent upon her compliance with all other tax obligations.
- (f) The five year supervision period shall run from the date that Respondent fully pays off her obligations under the 2012 Deferred Payment Plan.
- (g) Respondent's 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 in effect until payment is paid in full.
- (h) Respondent specifically waives her 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.

- (i) At the hearing referred to in paragraph 5(h) of this Order, Respondent shall have the burden of demonstrating that she is worthy of a license.
- (j) In the event Respondent's licenses are suspended pursuant to paragraph 5(g) above, and Respondent either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that she 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.

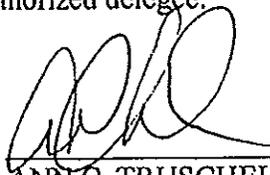
9. Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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:



ANN C. TRUSCHEL, Respondent



COMMONWEALTH OF PENNSYLVANIA  
By: RONALD A. GALLAGHER, JR.  
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 27<sup>th</sup> day of April, 2011, 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.

  
Michael F. Consedine  
Insurance Commissioner

