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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:
	:	
MARK VAUGHAN 25548 Genesee Trail Road Golden, CO 80401	: : :	40 P.S. §§ 310.11(1), (14), (20) and 310.78(a) and 310.78(b)
	:	
Respondent.	:	Docket No. CO13-11-006

CONSENT ORDER

AND NOW, this 26TH day of NOVEMBER, 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 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 Mark Vaughan, and maintains his address at 25548 Genesee Trail Road, Golden, CO 80401.

(b) At all times relevant, Respondent has held an active non-resident producer license, which expires on July 31, 2015.

(c) On March 7, 2013, Respondent was convicted for Criminal Attempt to Commit Sexual Assault, a Felony, and Child Abuse, a Misdemeanor.

(d) On May 24, 2013, Respondent voluntarily surrendered his Missouri non-resident producer license for not reporting the felony conviction.

(e) On June 17, 2013, Respondent's California non-resident producer license was revoked.

(f) On June 26, 2013, Respondent's North Dakota non-resident producer license was revoked.

(g) On July 11, 2013, Respondent's Maryland non-resident producer license was revoked.

(h) On July 28, 2013, Respondent's South Dakota non-resident producer license was revoked.

(i) On August 12, 2013, Respondent's Virginia non-resident producer license was revoked.

(j) On August 19, 2013, Respondent's Louisiana non-resident producer license was revoked.

(k) On August 20, 2013, Respondent's Arkansas non-resident producer license was revoked.

(l) On September 3, 2013, Respondent's Colorado resident producer license was placed on probation for a period of time to run concurrent with the deferred judgment in the criminal case.

(m) On September 4, 2013, Respondent's Minnesota non-resident producer license was revoked.

(n) Respondent failed to report other states' actions to the Pennsylvania Insurance Department within 30 days as required.

(o) Respondent failed to notify the Pennsylvania Insurance Department of his felony arrest and conviction within 30 days as required.

(p) On July 29, 2013, Respondent provided false information while renewing his Pennsylvania non-resident producer license.

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.

(b) Respondent's activities described above in paragraph 3(p) violate 40 P.S. § 310.11(1).

(c) 40 P.S. § 310.11(14) prohibits a licensee or an applicant from committing a felony or its equivalent.

(c) Respondent's activities described above in paragraphs 3(c) violate 40 P.S. § 310.11(14).

(e) 40 P.S. § 310.11(20) prohibits a licensee or an applicant from demonstrating a lack of general fitness, competence or reliability sufficient to satisfy the department that the licensee is worthy of licensure.

(f) Respondent's activities described above in paragraphs 3(c) through 3(p) violate 40 P.S. § 310.11(20).

(g) 40 P.S. § 310.78(a) requires a licensee to report any administrative action taken in another jurisdiction or by another governmental agency within

30 days of the final disposition, to include a copy of the order, consent order or other relevant legal documents.

(h) Respondent's activities described above in paragraph 3(n) violate 40 P.S. § 310.78(a).

(i) 40 P.S. § 310.78(b) requires that within 30 days of being charged with criminal conduct, a licensee shall report the charges to the Department. The licensee shall provide the Department with a copy of the criminal complaint, information or indictment, a copy of the order resulting from any pretrial hearing, and a report of the final disposition of the charges.

(j) Respondent's activities described above in paragraphs 3(o) violate 40 P.S. § 310.78(b).

(k) Respondent's violations of Sections 310.11(1), (14), (20) and 310.78(a) and 310.78(b) 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) All licenses of Respondent to do the business of insurance are hereby revoked.

(c) If Respondent should ever become licensed 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 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 five (5) years from the date of issuance of such 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 license.

(f) In the event Respondent's 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 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: _____
MARK VAUGHAN, 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 27th 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