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INSURANCE DEPARTMENT

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

2007 JUN -4 AM 10:06

IN RE:	:	VIOLATIONS:
	:	
ANDY S. ALBRIGHT	:	Section 5(a)(2) of the Unfair
215-c Altamahaw Union Ridge Road	:	Insurance Practices Act, Act of
Burlington, NC 27217	:	July 22, 1974, P.L. 589, No. 205
	:	(40 P.S. § 1171.5)
SUPERIOR PERFORMERS, INC.	:	
3325 United States Highway 29 North	:	
Suite A	:	
Danville, VA 24540	:	
MORTGAGE PROTECTION CENTER	:	
P.O. Box 3067	:	
Burlington, NC 27215-9989	:	
	:	
Respondents.	:	Docket No. CO06-11-009

CONSENT ORDER

AND NOW, this *4th* day of *June*, 2007, this Order is hereby issued by the Insurance Department of the Commonwealth of Pennsylvania pursuant to the statute cited above and in disposition of the matter captioned above.

1. Respondents hereby admit and acknowledge that they have received proper notice of their rights to a formal administrative hearing pursuant to the Administrative Agency Law, 2 Pa.C.S. § 101, et seq., or other applicable law.

2. Respondents hereby waive all rights to a formal administrative hearing in this matter, and agree 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. Without admitting the allegations of fact and conclusions of law contained herein, Respondents specifically deny that they violated any law or regulation of the Commonwealth.

#### FINDINGS OF FACT

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

- (a) Respondents are: Andy S. Albright of 215-c Altamahaw Union Ridge Road, Burlington, North Carolina 27217; Superior Performers, Inc., of 3325 United States Highway 29 North, Suite A, Danville, Virginia 24540; and Mortgage Protection Center, of Post Office Box 3067, Burlington, North Carolina 27215-9989.
- (b) Respondent Albright is the designated producer/licensee of Superior, and Superior does business as Mortgage Protection Center.

- (c) Respondent Albright has been licensed since May 17, 2004 as a non-resident producer.
- (d) Respondent Superior has been licensed since March 26, 2004 as a non-resident producer agency.
- (e) From September, 2003 to the present, Respondent Mortgage Protection Center mailed several hundred thousand lead pieces to Pennsylvania consumers that are misleading.

#### CONCLUSIONS OF LAW

5. 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) Respondents are subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) Respondents' activities described above in paragraph 3(e) constitute violations of Section 5(a)(2) of the Unfair Insurance Practices Act (40 P.S. § 1171.5).

(c) Respondents' violations of Section 5(a)(2) of the Unfair Insurance Practices Act are punishable by the following, under Sections 9, and 11 of the Act (40 P.S. §§ 1171.9, and 1171.11):

- (i) order requiring Respondents to cease and desist from engaging in such violation and/or, if such violation is a method of competition, act or practice defined in Section 5 of this Act, suspension or revocation of Respondent's license(s);
- (ii) commencement of an action against Respondents for the following civil penalties:
  - (1) for each method of competition, act or practice defined in Section 5 and in violation of the Act which Respondents knew or reasonably should have known was such a violation, a penalty of not more than five thousand dollars (\$5,000.00) for each violation, not to exceed an aggregate penalty of fifty thousand dollars (\$50,000.00) in any six month period;
  - (2) for each method of competition, act or practice defined in Section 5 and in violation of this Act which Respondents did not know nor reasonably should have known was such a violation, a penalty of not more than one thousand dollars (\$1,000.00) for

each violation, not to exceed an aggregate penalty of ten thousand dollars (\$10,000.00) in any six month period.

ORDER

6. In accord with the above Findings of Fact and Conclusions of Law, the Deputy Insurance Commissioner orders and Respondent consents to the following:

- (a) Respondents shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.
- (b) Respondents shall pay a civil penalty of Thirty Thousand Dollars (\$30,000.00) 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 Sharon L. Fraser, Office Manager, 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) Respondents' certificates and licenses may be immediately suspended by the Department following its investigation and determination that (i) penalty payment has not been made, or (ii) any other terms of this Order have not been

complied with, or (iii) any complaint against Respondents 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) Respondents specifically waive the 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 Respondents 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 Respondents' written request.

(e) At the hearing referred to in paragraph 5(d) of this Order, Respondents shall have the burden of demonstrating that they are worthy of a license.

(f) In the event Respondents' certificates and licenses are suspended pursuant to paragraph 5(c) above, and Respondents either fail to request a hearing within thirty (30) days or at the hearing fail to demonstrate that they are worthy of a license, Respondents' suspended certificates and licenses 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 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.

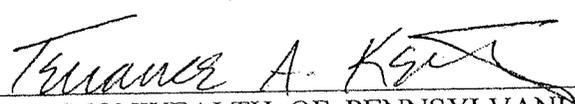
9. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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 the parties hereto.

12. 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:   
ANDY S. ALBRIGHT for SUPERIOR  
PERFORMERS, INC. and MORTGAGE  
PROTECTION CENTER, Respondents

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