BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

2010 FEB 12 AM 8:11
ADMINISTRATIVE OFFICE

IN RE:	:	VIOLATIONS:
BRUCE C. WEINROTH 1202 West Wynnewood Road Wynnewood, Pennsylvania 19096	:	40 P.S. §§ 310.11(5), (7), (17) and (20)
Respondent.	:	Docket No. CO09-12-011

CONSENT ORDER

AND NOW, this 12th day of February, 2009, 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 Bruce C. Weinroth, and maintains his address at 1202 West Wynnewood Road, Wynnewood, Pennsylvania 19096.

(b) At all relevant times herein, Respondent has held an Individual Resident Producer License No. 289910 to conduct the business of insurance in Pennsylvania.

(c) On December 28, 2007, Respondent completed an application for insurance for Willie J. Sutton with Royal Neighbors of America, in the presence of Eartha Sutton, spouse of Willie J. Sutton.

(d) The face amount applied for was ten thousand dollars ($10,000.00).

(e) On December 28, 2007, Respondent falsely signed a statement on the life insurance application that he met with the proposed insured, Willie J. Sutton, "face to face". Respondent never met with Willie J. Sutton.

(f) On December 28, 2007, on the Statement of Agent to the Carrier, Respondent indicated "Yes" to the question asking, "Did the applicant appear to be in good health?" Respondent never met with the applicant Willie J. Sutton.

(g) On December 28, 2007, on the Statement of Agent to the Carrier, Respondent indicated "Yes" to the question asking, "Did the applicant appear to fully understand the question?" Respondent never met with the applicant Willie J. Sutton.

(h) On December 28, 2007, on the Statement of Agent to the Carrier, Respondent indicated "Yes" to the question asking, "Did the applicant review the questions and answers on the application before it was signed." Respondent never met with Willie J. Sutton.

(i) On December 28, 2007, on the Statement of Agent to the Carrier, Respondent indicated "Yes" to the question asking, "Did you personally see the applicant sign the application." Respondent never met with Willie J. Sutton.

(j) On October 31, 2008, Willie J. Sutton passed away.

(k) Eartha Sutton subsequently filed a death benefit claim with Royal Neighbors of America.

(l) During a review of the claim, Royal Neighbors of America discovered some of the questions on the application were not answered correctly. As a result, the company rescinded the policy and refunded the paid premium to Eartha Sutton.

(m) Respondent agreed to make restitution in the amount of ten thousand dollars ($10,000.00) to Eartha Sutton.

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(5) prohibits a licensee or an applicant from intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.

(c) Respondent's activities described above in paragraphs 3(e) through 3(i) violate 40 P.S. § 310.11(5).

(d) 40 P.S. § 310.11(7) prohibits a licensee or an applicant from using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of doing business.

(e) Respondent's activities described above in paragraphs 3(e) through 3(i) violates 40 P.S. § 310.11(7).

(f) 40 P.S. § 310.11(17) prohibits a licensee or an applicant from committing fraud, forgery, dishonest acts or an act involving a breach of fiduciary duty.

(g) Respondent's activities described above in paragraphs 3(e) through 3(i) violate 40 P.S. § 310.11(17).

(h) 40 P. S. § 310.11(20) 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.

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

(j) Respondent's violations of Sections 310.11(5), (7), (17) and (20) are punishable by the following, under 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 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 make restitution to Eartha Sutton in the amount of $10,000.00 via certified check on or before February 1, 2010. Proof of restitution payment shall be provided to the Insurance Department by Respondent on or before February 5, 2010.

(c) Respondent's 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 this section is limited to a period of five (5) years from the date of this Order.

(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 a 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 license, Respondent's suspended certificates and 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: Bruce C. Weinroth

BRUCE C. WEINROTH, Respondent

COMMONWEALTH OF PENNSYLVANIA
By: Ronald A. Gallagher, Jr.
Deputy Insurance Commissioner