

RECEIVED  
INSURANCE DEPARTMENT

BEFORE THE INSURANCE COMMISSIONER  
OF THE COMMONWEALTH OF PENNSYLVANIA  
2011 JAN 13 PM 2:12  
ADMIN HEARINGS OFFICE

IN RE:	:	VIOLATIONS:
	:	
JOHN D. WOSOTOWSKY	:	40 P.S. § 310.11(20)
843 Monaca Road	:	
Monaca, PA 15061	:	
	:	
Respondent.	:	Docket No. CO10-06-021

CONSENT ORDER

AND NOW, this *13<sup>th</sup>* day of *January*, *2011*, 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.

3. Respondent does not admit the Findings of Fact or Conclusions of Law contained herein; further, Respondent expressly denies violating any Pennsylvania insurance laws.

#### FINDINGS OF FACT

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

- (a) Respondent is John D. Wosotowsky, and maintains his address at 843 Monaca Road, Monaca, PA 15061.
- (b) Respondent is, and at all times relevant hereto has been, a licensed insurance producer.
- (c) The Department received information that Respondent is under criminal investigation for alleged misappropriation of insurance or investment proceeds.
- (d) Respondent has agreed to the voluntary revocation of his insurance producer license.

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) 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.
- (c) Respondent's activities described above in paragraph 4(c) violate 40 P.S. § 310.11(20).
- (d) Respondent's violations of Section 310.11(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

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) All licenses/certificates of Respondent to do the business of insurance are hereby revoked.
- (c) Respondent agrees not to pursue future licensing with the Pennsylvania Insurance Department.
- (d) Respondent shall make full restitution to the policyholder referenced herein, including interest, and to other persons the Deputy Commissioner identifies and determines that restitution and interest is owed to them by Respondent. Proof of restitution payment shall be provided to the Insurance Department by Respondent.

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:   
JOHN D. WOSOTOWSKY, Respondent

  
COMMONWEALTH OF PENNSYLVANIA  
By: RONALD A. GALLAGHER, Jr.  
Deputy Insurance Commissioner