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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER OF THE COMMONWEALTH OF PENNSYLVANIA

In Re:

Violations:

LISA G. WIKERT 2308 Cottage Avenue Natrona Heights, PA 15065 Sections 611-A(14) and (20) of Act 147 of

2002 (40 P.S. §§310.11)

Respondent.

Docket No. CO06-10-002

CONSENT ORDER

AND NOW, this <u>Alo</u> day of <u>Ockson</u>, 2006, this Order is hereby issued by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania pursuant to the statutes cited above and in disposition of the matter captioned above.

- 1. Lisa G. Wikert ("Respondent") hereby admits and acknowledges that she has received proper notice of her 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, to the extent such rights exist, 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 neither admits nor denies the Conclusions or Law of Findings of Fact contained herein.

FINDINGS OF FACT

- 4. The Deputy Insurance Commissioner finds true and correct each of the following Findings of Fact:
 - (a) Respondent, Lisa G. Wikert, is a producer licensed to transact the business of insurance in Pennsylvania under license #355607 which expires on September 12, 2008.
 - (b) Respondent resides at 2308 Cottage Avenue, Natrona Heights, PA 15065.
 - (c) Respondent has criminal convictions that reflect on her worthiness to transact the business of insurance in the Commonwealth.

CONCLUSIONS OF LAW

- 4. 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) Respondent is subject to the jurisdiction of the Pennsylvania Insurance

 Department.

- (b) Respondent's activities, above, constitute violations of Pennsylvania insurance laws, specifically:
 - (i) Demonstrating a lack of general fitness, competence or reliability sufficient to satisfy the Department that the licensee is worthy of licensure. 40 P.S. §310.11(20).
 - (ii) Commit a felony or its equivalent. 40 P.S. §310.11(14).
- (c) Respondent's violations subject her to the following potential penalties under 40 P.S. §310.91:
 - (1) Denial, suspension, refusal to renew or revocation of Respondent's license.
 - (2) A civil penalty of up to \$5,000 per violation.
 - (3) A cease and desist order.
 - (4) Any other conditions as the Commissioner deems appropriate.

ORDER

- 5. In accord with the above Findings of Fact and Conclusions of Law, the Deputy Insurance Commissioner 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's certificates and licenses may be immediately suspended by the Department following its investigation and determination that any other terms of this Order have not been complied with, or 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 years from the date of this order.
- (c) 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.
- (d) At the hearing referred to in paragraph 5(c) above, Respondent shall have the burden of demonstrating that she is worthy of a license.
- (e) In the event Respondent's certificates and licenses are suspended pursuant to paragraph 5(b) 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 certificates and licenses shall be revoked.

- 6. In the event the Deputy Insurance Commissioner 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, she may, in her discretion, pursue any and all legal remedies available to her, including but not limited to the following: The Deputy Insurance Commissioner may enforce the provisions of this Order in the Commonwealth Court of Pennsylvania or in any other court of law or equity having jurisdiction; or the Deputy Insurance Commissioner may enforce the provisions of this Order in an administrative action pursuant to the Administrative Agency Law, supra, or other relevant provision of law.
- 7. Alternatively, in the event the Deputy Commissioner finds that there has been a breach of any of the provisions of this Order the Deputy Commissioner may declare this Order to be null and void and, thereupon, reopen the entire matter for appropriate action pursuant to the Administrative Agency Law, <u>supra</u>, or other relevant provisions 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 parties hereto.

11. This Order shall be final upon execution by the Deputy Insurance Commissioner. Only the Insurance Commissioner or her duly authorized Deputy Insurance Commissioner is authorized to bind the Insurance Department with respect to the settlement of the alleged violation of law contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or her duly authorized Deputy Insurance Commissioner. The penalties, if any, imposed by this Order are not effective until execution by the Insurance Commissioner or her duly authorized Deputy Insurance Commissioner.

BY:

LISA G. WIKERT, Respondent

Randolph L. Rohrbaugh

Deputy Insurance Commissioner Commonwealth of Pennsylvania