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*By Admin Hearings, Ins Dept at 2:03 pm, May 18, 2023*

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

|                               |   |                                    |
|-------------------------------|---|------------------------------------|
| IN RE:                        | : | VIOLATIONS:                        |
|                               | : |                                    |
| SUMEDH BASANI                 | : | 40 P.S. § 310.11(5), (7), (11) and |
| 1440 Rockside Road, Suite 319 | : | (20)                               |
| Cleveland, OH 44134-2749      | : |                                    |
|                               | : |                                    |
|                               | : |                                    |
|                               | : |                                    |
| Respondent.                   | : | Docket No. CO-23-04-003            |

CONSENT ORDER

AND NOW, this 18th day of May, 2023, 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 Pennsylvania Insurance Department (“Department”) finds true and correct each of the following Findings of Fact:

- (a) Respondent is Sumedh Basani and maintains a record of his address with the Pennsylvania Insurance Department as 1440 Rockside Road, Suite 319, Cleveland, OH 44134.
- (b) Respondent is, and at all times relevant hereto has been, a licensed Non-Resident Producer.
- (c) On November 14, 2020, two individual life insurance applications for Pennsylvania consumers with an address for a nursing and long-term care facility for each consumer were submitted to the insurance company using Respondent’s credentials which he provided to unlicensed employees of his, and wherein:
  - An incorrect answer of “No” was given on each application to Underwriting Part 1 Question 1(a) that asks, “Is the Proposed Insured currently: bedridden or confined to any hospital, nursing home, long-term care facility or skilled nursing facility; or receiving or been advised to receive care in a nursing home, hospice care, or home health care?”
  - Respondent's electronic signature was affixed along with the electronic mail address and production number maintained for his secure account with the insurance company by a producer

contracted with the Respondent's firm who did not possess an insurance license issued by the Department and who gained access to the Respondent's secure account as a result of the Respondent sharing his log-in information with administrative employees with the Respondent's firm.

- (d) Respondent, on November 14, 2020, received two emails from the insurance company informing him the applications identified in paragraph 3(c) had been received and failed to identify that he did not submit them.
- (e) Respondent, on November 17, 2020, failed to act upon two electronic mails from the insurance company informing him that a policy had been issued and placed in force ("issued policy") for one of the applications identified in finding 3(c) and one of the applications had been declined.
- (f) Respondent, on December 2, 2020, failed to act upon an electronic mail from the insurance company informing him that a duplicate copy of the issued policy had been mailed to the insured.
- (g) On or about November 10, 2021, the insurance company received medical records that demonstrated the named insured on the issued policy became a resident of a nursing and long-term care facility in February 2020 and required the use of a power wheelchair for mobility.

- (h) Respondent, on November 12, 2021, failed to act upon an electronic mail from the insurance company informing him that the policy placed in effect for the Pennsylvania consumer ("issued policy") had been rescinded.

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 in paragraph 3(c) 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 in paragraphs 3(c) through 3(f) and 3(h) violate 40 P.S. § 310.11(7).
- (f) 40 P.S. § 310.11(11) prohibits a licensee or an applicant from knowingly accepting insurance business which was sold, solicited or negotiated by a person who is not licensed as an insurance producer.
- (g) Respondent's activities described in paragraph 3(c) violate 40 P.S. § 310.11(11).
- (h) 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.
- (i) Respondent's activities described in paragraphs 3(c) through 3(f) and 3(h) violate 40 P.S. § 310.11(20).
- (j) Respondent's violations of 40 P.S. § 310.11(5), (7), (11) and (20) 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) Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) 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 the Pennsylvania Insurance Department, Bureau of Licensing and 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 fourteen (14) days after the date of the Consent Order.
- (c) Respondent's 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 confirmed 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 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 provisions 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 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 duly authorized delegee.

BY:   
SUMEDH BASANI, Respondent

  
COMMONWEALTH OF PENNSYLVANIA  
By: DAVID J. BUONO 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 \_\_31<sup>st</sup>\_\_ day of \_\_March\_\_\_\_, 2022, David J. Buono, Jr.,  
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 Humphreys  
Acting Insurance Commissioner

