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BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
DURVILLE ANDREW CHRISTOPHER SR.	:	40 P.S. §§ 310.11(1), (2), (3),
3518 W. Belvedere Avenue	:	(8), (20) and 310.78(a)
Baltimore, MD 21215-5803	:	
	:	
	:	
	:	
	:	
Respondent.	:	Docket No. CO22-11-023

CONSENT ORDER

AND NOW, this 12th day of December, 2022, 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 Durville Andrew Christopher Sr. and maintains a record of his address with the Pennsylvania Insurance Department as 3518 W. Belvedere Avenue, Baltimore, MD 21215-5803.
 - (b) Respondent, since March 23, 2019, has been a licensed Non-Resident Producer.
 - (c) Respondent, in February 2013, was charged by the Naval Criminal Investigative Service with three (3) counts of Assault Consummate by a Battery upon a Child and one (1) count of Indecent Acts with a Child.
 - (d) Respondent, on or after April 2014, was found guilty by a General Court-Martial and was sentenced to six (6) years' confinement, reduction to pay grade E-1, and forfeiture of all pay and allowances.
 - (e) Respondent, at a post-trial Article 39(a), Uniform Code of Military Justice Session, had two (2) counts of Assault Consummate by a Battery Upon a Child dismissed for being outside of the statute of limitations and he was granted a mistrial for sentencing for his conviction identified in finding 3(d).

- (f) Respondent, after a new General Court-Martial panel was convicted of one count of Assault Consummate by a Battery upon a Child and one count of Indecent Acts with a Child and was sentenced to two years confinement, reduction to pay grade E-1, and a dishonorable discharge. The convening authority approved only two (2) years confinement and reduction to pay grade E-1 and ordered the sentence executed.
- (g) Respondent, on December 28, 2017, filed an appeal which was approved, for a rehearing regarding his conviction identified in finding 3(f).
- (h) Respondent, on March 23, 2019, submitted an initial application for licensure and incorrectly answered "No" to the question that asks, "[h]ave you ever been convicted of a military offense, had a judgement withheld or deferred, or are you currently charged with committing a military offense?"
- (i) Respondent, between September 5, 2019 and April 21, 2021, had several appeal hearings that were held at the Washington Navy Yard, District of Columbia, regarding his Court-Martial conviction identified in finding 3(f).
- (j) Respondent, on March 15, 2022, was issued an administrative action by the Virginia Insurance Department and denied licensure for failing to disclose his military conviction identified in finding 3(f) on an application for licensure.

- (k) Respondent failed to notify the Department of the administrative action within 30 days.

- (l) Respondent, on March 31, 2022, submitted a license renewal application to the Department and incorrectly answered "No" to the questions that ask: "[h]ave you been convicted of a military offense, had a judgment withheld or deferred, or are you currently charged with committing a military offense, which has not been previously reported to this insurance department?" and "[h]ave you been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department?"

- (m) Respondent's appeal to his Court-Martial conviction identified in finding 3(f) which is still pending final disposition.

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(1) prohibits a licensee or an applicant for a license from providing incorrect, misleading, incomplete or false information to the Department in a license application.
- (c) Respondent's activities described in paragraphs 3(h) and 3(k) violate 40 P.S. § 310.11(1).
- (d) 40 P.S. § 310.11(2) prohibits a licensee or an applicant from violating the insurance laws or regulations of this Commonwealth or a subpoena or order of the commissioner or of another state's insurance commissioner.
- (e) Respondent's activities described above in paragraphs 3(h), 3(j) and 3(k) violate 40 P.S. § 310.11(2).
- (f) 40 P.S. § 310.11(3) prohibits a licensee or an applicant from obtaining or attempting to obtain a license through misrepresentation or fraud.
- (g) Respondent's activities described in paragraph 3(h) violate 40 P.S. § 310.11(3).
- (h) 40 P.S. § 310.11(8) prohibits a licensee or an applicant from having a producer license or other financial services license denied, suspended or revoked by a governmental entity.
- (i) Respondent's activities described in paragraph 3(j) violate 40 P.S. § 310.11(8).

- (j) 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.
- (k) Respondent's activities described in paragraphs 3(c) through 3(m) violate 40 P.S. § 310.11(20).
- (l) 40 P.S. § 310.78(a) requires a licensee to report any administrative action taken in another jurisdiction or by another governmental agency within 30 days of the final disposition, to include a copy of the order, consent order or other relevant legal documents.
- (m) Respondent's activities described in paragraph 3(k) violate 40 P.S. § 310.78(a).
- (n) Respondent's violations of 40 P.S. §§ 310.11(1), (2), (3), (8), (20) and 310.78(a) 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) All licenses of Respondent to do the business of insurance are hereby revoked.
- (c) If Respondent should ever become licensed in the future, his 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 ten (10) years from the date of issuance of such licenses.
- (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 an insurance 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.

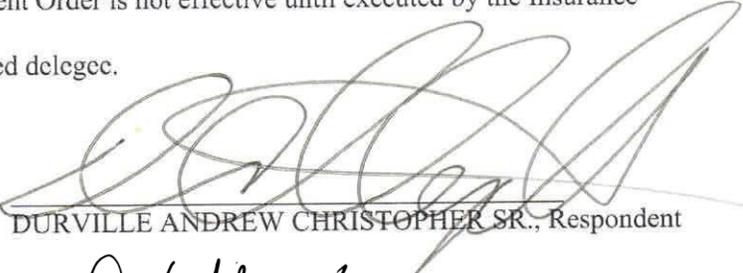
8. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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:


DURVILLE ANDREW CHRISTOPHER SR., 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 __31st__ 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

