

By Admin Hearings, Ins Dept at 2:38 pm, Feb 19, 2021

IN RE:

• • • •

VIOLATIONS:

40 P.S. § 310.11(1), (20), and
310.78(a)

•

• • • • •

•

•

•
•
•
•
•
•

Respondents.

• •

Docket No. CO21-02-006

AND NOW, this 19th day of February, 2021, 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 admit and acknowledge that they have received proper notice of their 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 waive all rights to a formal administrative hearing in this matter, and agree 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 Kristi Marie Shoenberger and maintains a record of her address with the Pennsylvania Insurance Department as 4 Penn Center West, Suite 400, Pittsburgh, Pennsylvania 15276.
- (b) Respondent is, and at all times relevant hereto has been, a licensed Resident Title Agent.
- (c) Respondent failed to notify the Department within thirty (30) days after receiving the following administrative actions from other states' Departments of Insurance (DOI):
 - Respondent, on January 17, 2017, entered into a Consent Order with the Ohio DOI for Failure to Submit an Annual Review of Escrow Account(s) and was fined \$100.00.
 - Respondent, on May 17, 2017, entered into a Consent Order with the Delaware DOI for Failure to Timely Report Other State Actions and was fined \$500.00.

- Respondent, on October 31, 2017, entered into a Voluntary Settlement Agreement with the North Carolina DOI for Failure to Timely Report the Ohio and Delaware DOI actions and was fined \$500.00.
 - Respondent, on November 16, 2017, was issued an administrative action by the Louisiana DOI for Failure to Timely Report the Ohio and Delaware DOI actions and was fined \$250.00.
 - Respondent, on January 24, 2018, was issued an administrative action by the Wisconsin DOI for Failure to Timely Report the Ohio, Delaware, and North Carolina DOI actions and was fined \$1,500.00.
- (d) Respondent notified the Department within 30 days after receiving the following administrative actions from other states' Departments of Insurance (DOI):
- Respondent, on December 18, 2018, was issued an administrative action from the Maine DOI for Failure to Timely Report the Wisconsin, Ohio, Delaware, and North Carolina DOI actions and was fined \$100.00.
- (e) Respondent, on a 2016 license renewal application, incorrectly answered "No" to the question asking "Have 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?"

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 paragraph 3(e) violate 40 P.S. § 310.11(1).
- (d) 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.
- (e) Respondent's activities described in paragraphs 3(c) through 3(e) violate 40 P.S. § 310.11(20).
- (f) 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.

- (g) Respondent's activities described in paragraph 3(c) violate 40 P.S. § 310.78(a).
- (h) Respondent's violations of 40 P.S. § 310.11(1), (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 Respondents consent 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 Two Hundred Fifty (\$250.00) 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 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 license 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 waive their 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 Respondents' written request.
- (e) At the hearing referred to in paragraph 5(d) of this Order, Respondent shall have the burden of demonstrating that they are worthy of a license.
- (f) In the event Respondent's license is suspended pursuant to paragraph 5(c) above, and Respondent either fail to request a hearing within thirty (30) days or at the hearing fail to demonstrate that they are 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 Insurance Department 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 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.

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, Respondents 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. Respondents hereby expressly waive 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: Kristi Marie Shoenberger
KRISTI MARIE SHOENBERGER

Christopher R. Monahan
COMMONWEALTH OF PENNSYLVANIA
By: CHRISTOPHER R. MONAHAN
Deputy Insurance Commissioner