

**RECEIVED**

By Admin Hearings, Ins Dept at 1:20 pm, Nov 24, 2021

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE:

MICHAEL JOSEPH DEL CRISTO  
11220 Flat Shoals Road  
Covington, GA 30016

VIOLATIONS:

40 P.S. §§ 310.11(14), (20) and  
310.78(b)

Applicant.

Docket No. CO21-11-016

CONSENT ORDER

AND NOW, this 24th day of November, 2021, this Order is  
hereby issued by the Insurance Department of Commonwealth of Pennsylvania pursuant  
to the statutes cited above and in disposition of the matter captioned above.

1. Applicant 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. Applicant 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 Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Applicant is Michael Joseph Del Cristo and maintains a record of his address with the Pennsylvania Insurance Department as 11220 Flat Shoals Road, Covington, Georgia 30016.
- (b) Applicant was previously licensed as a Resident Producer from April 25, 2017 until August 28, 2019.
- (c) Applicant, on January 28, 2018, was charged by the Bethlehem City Police Department (Northampton, PA) with one (1) count of Possession with Intent to Deliver, a Felony; and one (1) count of Possession of a Controlled Substance, a Misdemeanor.
- (d) Applicant failed to notify the Department of his criminal charges identified in finding 3(c) within 30 days.
- (e) Applicant, on May 13, 2019, pleaded guilty in the Court of Common Pleas of Lehigh County to one (1) count of Possession with Intent to Deliver, a Felony, as a result of the charges identified in finding 3(c).
- (f) Applicant failed to notify the Department of the final disposition of his criminal charges identified in finding 3(e) within 30 days.

- (g) Applicant, on August 26, 2018, voluntarily surrendered his Resident Producer insurance license.
- (h) Applicant, on October 25, 2021, submitted an initial Non-Resident Pennsylvania application for licensure and answered "Yes," to the background question that asks, "[h]ave you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"

#### 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) Applicant is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 40 P.S. § 310.11(14) prohibits a licensee or an applicant from committing a felony or its equivalent.
- (c) Applicant's activities described in paragraph 3(e) violate 40 P.S. § 310.11(14).
- (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) Applicant's activities described in paragraphs 3(c) through 3(h) violate 40 P.S. § 310.11(20).
- (f) 40 P.S. § 310.78(b) requires that within 30 days of being charged with criminal conduct, a licensee shall report the charges to the Department. Additionally, the licensee shall provide the Department with the following within 30 days of their availability to the licensee:
  - (1) a copy of the criminal complaint, information or indictment.
  - (2) a copy of the order resulting from any pretrial hearing.
  - (3) a report of the final disposition of the charges.
- (g) Applicant's activities described in paragraphs 3(d) and 3(f) violate 40 P.S. § 310.78(b).
- (h) Applicant's violations of 40 P.S. §§ 310.11(14), (20) and 310.78(b) 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, and as a condition of licensure, the Insurance Department orders and Applicant consents to the following:

- (a) Applicant shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.
- (b) Applicant'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 Applicant 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.
- (c) Applicant 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 Applicant 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 Applicant's written request.

(d) At the hearing referred to in paragraph 5(c) of this Order, Applicant shall have the burden of demonstrating that he is worthy of a license.

(e) In the event Applicant's licenses are suspended pursuant to paragraph 5(b) above, and Applicant either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that he is worthy of a license, Applicant'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, Applicant 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. Applicant 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:

  
MICHAEL JOSEPH DEL CRISTO, Applicant

  
COMMONWEALTH OF PENNSYLVANIA  
By: DAVID J. BUONO JR.  
Acting Deputy Insurance Commissioner