

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

2017 MAY -1 PM 1:26
ADMIN HEARINGS OFFICE

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|---------------------|---|--------------------------------------|
| IN RE: | : | VIOLATIONS: |
| | : | |
| LESLIE HOPE FEEVISH | : | 40 P.S. §310.11(6), (15), (17), (20) |
| 5 Belmar Road | : | and 310.78(b) |
| Hatboro, PA 19040 | : | |
| | : | |
| | : | |
| | : | |
| | : | |
| Respondent. | : | Docket No. CO17-02-013 |

CONSENT ORDER

AND NOW, this 1st day of May, 2017, 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 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, 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) Respondent is Leslie Hope Feevish and maintains her address at
5 Belmar Road, Hatboro, PA 19040.
- (b) Respondent is, and at all times relevant hereto has been, a licensed
resident producer.
- (c) Respondent purchased an automobile policy, effective January 8, 2014, to
cover her 2009 Honda Civic.
- (d) On April 17, 2014, Respondent submitted a claim and photograph to her
insurer for an accident that allegedly occurred on February 5, 2014,
resulting in net repair costs of \$3,966.81.
- (e) During the insurer's investigation of the insurance claim, a search of the
Respondent's telephone disclosed an original photograph taken by
Respondent showing the damage and that it was taken on January 6, 2014,
two (2) days prior to Respondent's actually purchasing the automobile
policy.

- (f) Respondent was advised by the insurance company that the claim occurred prior to policy inception and subsequently withdrew the automobile claim.
- (g) On May 8, 2014, the insurance company provided its investigative report to the Pennsylvania Office of Attorney General.
- (h) On January 21, 2016, Respondent was arrested and charged with Insurance Fraud and Theft by Deception by the Pennsylvania Office of Attorney General.
- (i) On September 12, 2016, Respondent pled guilty to a misdemeanor for Theft by Deception – False Impression and was sentenced to two (2) years' probation.
- (j) Respondent failed to report the criminal proceedings to the Department and failed to provide copies of the criminal complaint and final disposition of sentencing.

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(6) prohibits a licensee or an applicant from committing any unfair insurance practice or fraud.
- (c) Respondent's activities described above in paragraph 3(e) violate 40 P.S. §310.11(6).
- (d) 40 P.S. §310.11(15) prohibits a licensee or an applicant from committing a misdemeanor that involves the misuse or theft of money or property belonging to another person.
- (e) Respondent's activities described above in paragraph 3(i) violate 40 P.S. §310.11(15).
- (f) 40 P.S. §310.11(17) prohibits a licensee or an applicant from committing fraud, forgery, dishonest acts or an act involving a breach of fiduciary duty.
- (g) Respondent's activities described above in paragraph 3(e) violate 40 P.S. §310.11(17).

- (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 above in paragraphs 3(d) through 3(j) violate 40 P.S. §310.11(20).
- (j) 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. The licensee shall provide the Department with a copy of the criminal complaint, information or indictment, a copy of the order resulting from any pretrial hearing, and a report of the final disposition of the charges.
- (k) Respondent's activities described above in paragraph 3(j) violate 40 P.S. §310.78(b).
- (l) Respondent's violations of Sections 310.11(6), (15), (17), (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, 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 license of Respondent to do the business of insurance are hereby revoked.
- (c) If Respondent should ever become licensed in the future, her 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 complain 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 issuance of such licenses.

- (d) 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.
- (e) At the hearing referred to in paragraph 5(d) of this Order, Respondent shall have the burden of demonstrating that she 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 she is worthy of a license, Respondent's suspended licenses shall be revoked.

6. In the event the Insurance Department find 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.

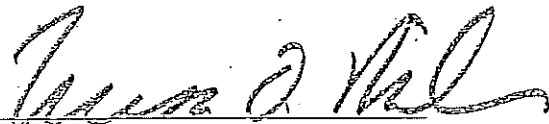
BY: Leslie Hope Feevish
LESLIE HOPE FEEVISH, Respondent

Christopher R. Monahan
COMMONWEALTH OF PENNSYLVANIA
By: CHRISTOPHER R. MONAHAN
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 13th day of November, 2015, Christopher R. Monahan,
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.



Teresa D. Miller
Insurance Commissioner

