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By Admin Hearings, Ins Dept at 7:58 am, Mar 19, 2024

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE:

FIRST PROFESSIONAL BROKERAGE  
SERVICES, INC.  
350 South Main St., Ste. 307  
Doylestown, PA 18901

VIOLATIONS:

40 P.S. §§ 310.6(a)(6), 310.11(1),  
(8), (20) and 310.78(a)

Applicant.

Docket No. CO24-02-020

CONSENT ORDER

AND NOW, this 19th day of March, 2024 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. Applicant hereby admits and acknowledges that it has received proper notice of its 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 Pennsylvania Insurance Department ("Department") finds true and correct each of the following Findings of Fact:

- (a) Applicant is First Professional Brokerage Services, Inc. and maintains a record of its address with the Pennsylvania Insurance Department as 350 South Main St., Ste. 307, Doylestown, PA 18901.
- (b) Applicant is, and at all times relevant hereto has been, a licensed Resident Producer Agency.
- (c) Applicant does not possess a Resident Surplus Lines license.
- (d) Applicant's license was revoked on September 23, 2019, by the Wisconsin Office of the Commissioner of Insurance for failing to provide the name and National Producer Number of the firm's Designated Responsible Licensed Producer.
- (e) Applicant failed to report the administrative action identified in finding 3(d) to the Pennsylvania Insurance Department within thirty (30) days.
- (f) Applicant, on October 5, 2021, submitted a renewal application and incorrectly answered "No" to the question that asks, "[h]as the business entity or any owner, partner, officer or director of the business entity, or manager or member of a limited liability company, 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?"

- (g) Applicant, on October 26, 2023, submitted a renewal application and incorrectly answered "No" to the question that asks, "[h]as the business entity or any owner, partner, officer or director of the business entity, or manager or member of a limited liability company, 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?"
  
- (h) Applicant, on January 22, 2024 submitted a an initial application for a Resident Surplus Lines license and incorrectly answered "No" to the question that asks, "[h]as the business entity or any owner, partner, officer or director of the business entity, or manager or member of a limited liability company, ever 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?"

## 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. §310.6(a)(6) states that the Department shall issue a producer license, provided the applicant possesses the general fitness, competence and reliability sufficient to satisfy the Department that the applicant is worthy of a license.
- (c) Applicant's activities described in paragraphs 3(a), 3(d), 3(e), 3(f), 3(g) and 3(h) could disqualify the Applicant from licensure pursuant to 40 P.S. §310.6(a)(6).
- (d) 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.
- (e) Applicant's activities described in paragraphs 3(f) through 3(h) violate 40 P.S. § 310.11(1).

- (f) 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.
- (g) Applicant's activities described in paragraph 3(d) violate 40 P.S. § 310.11(8).
- (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) Applicant's activities described in paragraphs 3(d) through 3(h) violate 40 P.S. § 310.11(20).
- (j) 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.
- (k) Applicant's activities described in paragraph 3(c) violate 40 P.S. § 310.78(a).
- (l) Applicant's violations of 40 P.S. §§ 310.6(a)(6), 310.11(1), (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, 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 shall pay a civil penalty of five hundred dollars (\$500.00) to the Commonwealth of Pennsylvania and payment must be made electronically no later than fourteen (14) days from the date of final execution of this Consent Order. Specific payment instructions will be supplied by the Department to the Respondent with the final executed copy of this Consent Order.
- (c) 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.

- (d) Applicant specifically waives its 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.
- (e) At the hearing referred to in paragraph 5(d) of this Order, Applicant shall have the burden of demonstrating that it is worthy of a license.
- (f) In the event Applicant's licenses are suspended pursuant to paragraph 5(c) above, and Applicant either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that it 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 there are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement. This Order 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

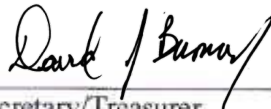


contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or duly authorized delegee.

BY: FIRST PROFESSIONAL BROKERAGE  
SERVICES, INC, Applicant



\_\_\_\_\_  
President/Vice President



\_\_\_\_\_  
Secretary/Treasurer

\_\_\_\_\_  
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.

  
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Michael Humphreys  
Acting Insurance Commissioner

