

RECEIVED

By Admin Hearings, Ins Dept at 11:45 am, Mar 08, 2024

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
MARIO GARCIA	:	40 P.S. §§ 310.6(a)(6), 310.11(8),
7440 SW 38 St.	:	(15) and (20)
Miami, FL 33155	:	
	:	
	:	
	:	
Applicant.	:	Docket No. CO24-02-008

CONSENT ORDER

AND NOW, this 8th 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 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 Pennsylvania Insurance Department (“Department”) finds true and correct each of the following Findings of Fact:
- (a) Applicant is Mario Garcia and maintains a record of his address with the Pennsylvania Insurance Department as 7440 SW 38 St., Miami, FL 33155.
 - (b) Applicant does not possess a Non-Resident Producer Individual license.
 - (c) Applicant, on April 30, 2013, was denied a license by The Office of the Commissioner of Insurance of Wisconsin for failing to respond promptly to written requests for information and due to his "Yes" answer to criminal history question on the application.
 - (d) Applicant, on July 8, 2014, was denied a license by The Office of the Commissioner of Insurance of Wisconsin for failing to respond promptly to written requests for information and failing to disclose his administrative action on the application.
 - (e) Applicant, on March 10, 2016, was denied a license by the South Dakota Division of Insurance for providing materially untrue information in the license application, attempting to obtain a license through misrepresentation, and for having a license denied in another state.

- (f) Applicant, on May 12, 2016, was denied a license by the Oregon Division of Financial Regulation for providing incorrect, misleading, incomplete or materially untrue information in the license application and failing to timely respond to requests for information to complete the application.

- (g) Applicant, on November 21, 2016, was convicted of Petit Theft-2nd Degree, a misdemeanor, in the Judicial Circuit Court of Broward County, Florida.

- (h) Applicant, on January 26, 2017, was convicted of Petit Theft and Culpable Negligence, both misdemeanors, in the Judicial Circuit Court of Broward County, Florida.

- (i) Applicant, on September 7, 2017, was denied a license by the Louisiana Department of Insurance for failing to disclose administrative actions in the license application, having a license denied in Wisconsin, South Dakota and Oregon, and failing to address his outstanding obligation in Louisiana.

- (j) Applicant, on October 25, 2017, was denied a license by the California Department of Insurance due to his license denials in Wisconsin, South Dakota and Oregon, his criminal history, and failing to disclose his full criminal history in the license application.

- (k) Applicant, on January 16, 2018, was denied a license by the Pennsylvania Department of Insurance for providing incorrect, misleading, incomplete or false information in the license application.
- (l) Applicant, on May 22, 2018, was imposed a penalty of \$500.00 by The Office of the Commissioner of Insurance of Wisconsin for failing to report other states actions.
- (m) Applicant, on October 22, 2018, was imposed a penalty of \$1,500.00 by North Carolina Department of Insurance for failing to report other states actions and failing to report his criminal history.
- (n) Applicant electronically initiated an application for a Non-Resident Producer Individual license on December 18, 2023, wherein, he disclosed his criminal and administrative action histories.

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(c) through 3(m) could disqualify the Applicant from licensure pursuant to 40 P.S. §310.6(a)(6).
- (d) 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.
- (e) Applicant's activities described in paragraphs 3(c), 3(d), 3(e), 3(f), 3(i), 3(j) and 3(k) violate 40 P.S. § 310.11(8).
- (f) 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.
- (g) Applicant's activities described in paragraphs 3(g) and 3(h) violate 40 P.S. § 310.11(15).
- (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(c) through 3(m) violate 40 P.S. § 310.11(20).

- (j) Applicant's violations of 40 P.S. §§ 310.6(a)(6), 310.11(8), (15) and (20) 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 three (3) years from the date of this Order.
- (d) 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.
- (e) At the hearing referred to in paragraph 5(d) of this Order, Applicant shall have the burden of demonstrating that he 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 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: *Mario J Garcia*
MARIO GARCIA, Applicant

David J. Buono Jr.
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

