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ADMIN HEARINGS OFFICE
BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
DEBORAH GIROSKI	:	40 P.S. §§ 310.11(4), (7), (17)
75 Maple Drive	:	and (20)
Hermitage, PA 16148	:	
	:	
and	:	
	:	
WALTER'S RELIABLE	:	
INSURANCE SERVICES, INC	:	
2220 East State Street	:	
Hermitage, PA 16148	:	
	:	
	:	
Respondents.	:	Docket No. CO18-06-009

CONSENT ORDER

AND NOW, this 10th day of April, 2019, 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. Respondents 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. Respondents 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 Deborah Giroski and maintains her address at 75 Maple Drive, Hermitage, PA 16148.
- (b) Respondent, is and all times relevant hereto has been, a licensed resident producer.
- (c) Co-Respondent is Walter's Reliable Insurance Services, Inc., which maintains a business address at 2220 East State Street, Hermitage, PA 16148.
- (d) Co-Respondent, is and at all times relevant hereto has been, a licensed resident producer agency.

- (e) Respondent was at all times relevant herein the Designated Licensee of the Co-Respondent, Walter's Reliable Insurance Services, Inc.
- (f) Respondent through Co-Respondent, added administrative fees totaling \$15,000 to worker's compensation insurance policies without disclosing those fees to the insured from 2012 to 2016.
- (g) Respondent altered five (5) annual insurance invoices provided to the insured which showed increased amounts to cover the aforementioned administrative fees.
- (h) Respondent through Co-Respondent, collected an additional two (2) months premium each year from 2003 – 2016 totaling \$56,033.30 for liability insurance policies and failed to return that excess premium to the insured.
- (i) Respondents in order to conceal the billing invoice from the insured, changed the insured's mailing address on file with the insurer, to the home address of Respondent for years 2013 and 2016, and the home address of an employee of the Co-Respondent for years 2014 and 2015.

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) Respondents are subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 40 P.S. § 310.11(4) prohibits producers from improperly withholding, misappropriating, or converting money or property received in the course of doing business.
- (c) Respondents' activities described above in paragraphs 3(f) through 3(h) constitute improperly withholding, misappropriating, or converting money or property received in the course of doing business, in violation of 40 P.S. § 310.11(4).
- (d) 40 P.S. § 310.11(7) prohibits a licensee or an applicant from using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of doing business.

- (e) Respondents' activities described above in paragraphs 3(f) through 3(i) violate 40 P.S. § 310.11(7).
- (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) Respondents' activities described above in paragraphs 3(f) through 3(i) 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) Respondents' activities described above in paragraphs 3(f) through 3(i) violate 40 P.S. § 310.11(20).
- (j) Respondents' violations of §§ 310.11(4), (7), (17) 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, the Insurance Department orders and Respondents consent to the following:

- (a) Respondents shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.
- (b) All licenses of Respondents to do the business of insurance are hereby revoked.
- (c) Respondents shall make restitution to insured A in the amount of \$74,00.00 in accordance with the settlement agreement. Respondents shall make restitution to persons other than Eastern Foundations if the Deputy Commissioner identifies such persons and determines that restitution is owed to them by Respondents. Proof of restitution payment shall be provided to the Insurance Department by Respondents.
- (d) If Respondents should ever become licensed in the future, their 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 complaint against Respondents are 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.

- (e) Respondents 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 Respondents 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.
- (f) At the hearing referred to in paragraph 5(e) of this Order, Respondents shall have the burden of demonstrating that they are worthy of an insurance license.
- (g) In the event Respondents' licenses are suspended pursuant to paragraph 5(d) above, and Respondents either fail to request a hearing within thirty (30) days or at the hearing fail to demonstrate that they are worthy of a license, Respondents' 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.

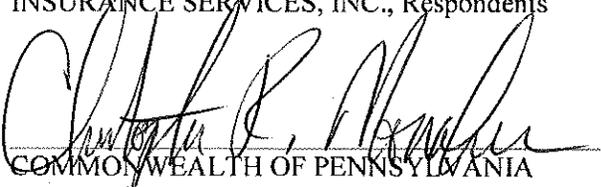
8. In any such enforcement proceeding, Respondents may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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.

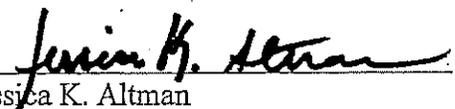
BY: 
DEBORAH GIROSKI, individually
And on behalf of WALTER'S RELIABLE
INSURANCE SERVICES, INC., Respondents


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 28th day of March, 2018, 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.



Jessica K. Altman
Insurance Commissioner

