



BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:

TIMOTHY A. HEWITT
17 Briarwood Way
South Abington Township, PA 18411

VIOLATIONS:

40 P.S. §§ 310.11(2), (7), (14), (16)
(20) and 310.78(b)

Respondent.

Docket No. CO18-08-021

CONSENT ORDER

AND NOW, this 31st day of December, 2018, 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 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. 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 Timothy A. Hewitt, and maintains his address at 17 Briarwood Way, South Abington Township, PA 18411.
- (b) Respondent is, and at all times relevant hereto has been, a licensed resident producer.
- (c) Respondent was charged on March 30, 2017 on five (5) dockets with multiple counts of Unlicensed Broker/Agent Activity, Forgery, Theft by Deception and Theft by Failure to Make Required Disposition of Funds Received. All these charges were felonies in the third degree.
- (d) Respondent, on March 26, 2018, plead guilty to five (5) counts of Unlicensed Broker/Agent Activity and one (1) count of Forgery, all felonies in the third degree.
- (e) Respondent failed to report the charges and adjudication in findings (c) and (d) to the Insurance Department within thirty (30) days.

- (f) Respondent, in commission of the crimes charged in findings (c) and (d), overbilled and failed to remit insureds' premium payment for various Commercial and Inland Marine and Workers Compensation Insurance policies.
- (g) Respondent, in the commission of the crimes charged in findings (c) and (d), issued fraudulent Payment and Performance Bonds to collect premiums from insureds.
- (h) Respondent was ordered by the court to pay restitution to the affected insureds. As of August 7, 2018, the remaining restitution was \$147,572.94.

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(2) prohibits a licensee or an applicant from violating the insurance laws or regulations of this Commonwealth or a subpoena or order of the commissioner or of another state's insurance commissioner.

- (c) Respondent's activities described above in paragraphs 3(c) through 3(g) violate 40 P.S. § 310.11(2).
- (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) Respondent's activities described above in paragraphs 3(d) through 3(g) violate 40 P.S. § 310.11(7).
- (f) 40 P.S. § 310.11(14) prohibits a licensee or an applicant from committing a felony or its equivalent.
- (g) Respondent's activities described above in paragraph 3(d) violate 40 P.S. § 310.11(14).
- (h) 40 P.S. § 310.11(16) prohibits a licensee or an applicant from committing a violation of subarticle B.
- (i) Respondent's activities described above in paragraphs 3(f) and 3(g) violate 40 P.S. § 310.11(16).

- (j) 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.

- (k) Respondent's activities described above in paragraphs 3(c) through 3(h) violate 40 P.S. § 310.11(20).

- (l) 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:
 - (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.

- (m) Respondent's activities described above in paragraph 3(e) violate 40 P.S. § 310.78(b).

- (n) Respondent's violations of §§ 310.11(2), (7), (14), (16), (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 licenses of Respondent to do the business of insurance are hereby revoked.
- (c) Future license applications, if any, will require a 1033 Waiver, pursuant to the Violent Crime Control and Law Enforcement Act, 18 U.S.C. §§ 1033 and 1034.

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, 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.

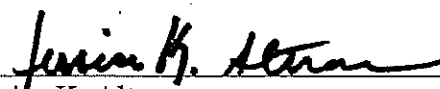
BY: 
TIMOTHY A. HEWITT, Respondent


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

