

ADP: HEARINGS D: F:

## COMMONWEALTH OF PENNSYLVANIA

Respondent.

Docket No. CO20-06-013

AND NOW, this 22<sup>nd</sup> day of July, 2020, this Order is hereby

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.

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### FINDINGS OF FACT

3. The Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Respondent is Oscar Antonio Jaramillo and maintains a record of his address with the Pennsylvania Insurance Department as 7805 Ivy Lane, Rowlett, TX 75089.
- (b) Respondent is, and at all times relevant hereto has been, a licensed non-resident producer.
- (c) Respondent, on February 9, 2006, submitted an initial resident producer license application and was granted licensure.
- (d) Respondent was subject to the following two (2) out of state administrative actions, which were not reported to the Department within (30) days:
  - On August 8, 2006, the Wisconsin Office of the Commissioner of Insurance issued Respondent an administrative action via a letter resulting in a denial of licensure for failing to respond to written requests for information regarding a "Yes" answer to the felony or misdemeanor criminal background questions and a "Yes" answer to the administrative actions question.
  - On June 1, 2007, the South Dakota Department of Revenue and Regulation, Division of Insurance executed a Final Decision

against Respondent resulting in a revocation of licensure for failing to notify or respond within 20 days to the Department's attempts to contact the him regarding his unreported license denial in Wisconsin.

- (e) Respondent failed to renew his resident producer license which expired on February 9, 2008.
- (f) Respondent, on March 25, 2011, was convicted in Texas of Assault-Causing Bodily Injury, a misdemeanor, from an incident that occurred in 2007.
- (g) Respondent, on June 18, 2019, submitted a non-resident producer application disclosing the criminal conviction identified in finding 3(f) but failed to disclose the administrative actions identified in finding 3(d) when he improperly answered "No" to the administrative action question asking whether he had been involved as a party in an administrative proceeding, regarding any professional or occupational license or registration, which has not been previously reported to this insurance department. Due to the incorrect answer on the application of his non-resident license was issued.
- (h) Respondent was subject to the following two (2) out of state administrative actions, which were reported timely to the Department.
  - On September 13, 2019, the Indiana Department of Insurance executed a Preliminary Administrative Order and Notice of

License Denial for failing to timely report other state administrative actions and failure to disclose his criminal history.

- On October 1, 2019, the South Dakota Department of Revenue and Regulation, Division of Insurance issued an administrative action via a letter resulting in a denial of licensure based on his failure to timely report other state administrative actions and failure to disclose his criminal history.

- (i) Respondent attributed his failures to timely report to a change in his address which likely caused him to miss some of his mail. Respondent also stated that in the past he heavily relied on others to manage his licenses and reporting but given these issues he has taken on more responsibility in order to make sure any and all license requirements are fulfilled timely.

#### 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(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.



- (c) Respondent's activities described in paragraph 3(g) violate 40 P.S. § 310.11(1).
- (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) Respondent's activities described in paragraphs 3(d) and 3(h) violate 40 P.S. § 310.11(8).
- (f) 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.
- (g) Respondent's activities described above in paragraphs 3(d) through 3(i) violate 40 P.S. § 310.11(20).
- (h) 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.
- (i) Respondent's activities described in paragraph 3(d) violate 40 P.S. § 310.78(a).
- (j) Respondent's violations of §§ 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, 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) Respondent shall immediately surrender all licenses to conduct the business of insurance within the Commonwealth of Pennsylvania as of the date of this Consent Order.
- (c) If Respondent should ever become licensed in the future, his 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 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 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 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 he 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 he is worthy of a license, Respondent'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, 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:   
OSCAR ANTONIO JARAMILLO, Respondent

  
COMMONWEALTH OF PENNSYLVANIA  
By: CHRISTOPHER R. MONAHAN  
Deputy Insurance Commissioner