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INSURANCE DEPARTMENT

2019 APR 11 AM 11:08 BEFORE THE INSURANCE COMMISSIONER  
OF THE  
ADMIN HEARINGS OFFICE COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
SALVATORE LAURI, JR.	:	40 P.S. §§ 310.11(4), (7), (17)
905 W. Sproul Road, STE 107	:	and (20)
Springfield, PA 19064	:	
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	:	
	:	
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	:	
Respondent.	:	Docket No. CO18-11-024

CONSENT ORDER

AND NOW, this 11th 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. 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 Salvatore Lauri, Jr., and maintains his address at 210 Willowbrook Avenue, Folsom, PA 19033.
- (b) Respondent is, and at all times relevant hereto has been, a licensed resident producer.
- (c) Respondent, collected \$4,949.00 from a customer on December 10, 2015, representing the full amount of premium, based on quotations for Business Owners, Workers Compensation and Professional Liability policies with two (2) insurers.
- (d) Respondent deposited the customer's check in the amount of \$4,949.00 into his business bank account on December 15, 2015, issued three (3) policies and requested that all three (3) policies be set up on installment payment plans.

- (e) Respondent on December 10, 2015, remitted premium in the amount of \$194.50 towards the actual premium of \$1,167.00 for the Professional Liability policy noted in finding 3(c).
- (f) Respondent cancelled the Professional Liability policy on December 15, 2015 and received a refund in the amount of \$194.50 on December 22, 2015.
- (g) Respondent issued a new Professional Liability policy through a different insurer on December 16, 2015, with a total premium of \$1,237.00, requested the policy be set up on an installment plan and failed to remit premium.
- (h) Respondent remitted \$1,825.50 to the insurer for the Business Owners and Workers Compensation policies noted in finding 3(c) on February 1, 2016; \$931.24 on June 1, 2016; and \$909.26 on June 7, 2016 and remitted two (2) payments totaling \$1,237.00 to the insurer for the Professional Liability policy noted in finding 3(g) on January 25, 2016.
- (i) Respondent's failure to remit premium payments to the insurers in a timely manner in accordance with the installment payment plans he established resulted in invoices, which included late fees and cancellation notices being issued to the customer. No actual late charges, cancellations, or lapses in coverage were suffered by the insureds.

- (j) Respondent sent the customer an email message on January 25, 2016 advising her all of the policies had been paid in full.
- (k) Respondent sent the customer a receipt on January 25, 2016, that indicated premium in the amount of \$1,237.00 was paid with a Business Debit Card for her replacement policy noted in finding 3(g) on December 22, 2015.
- (l) Respondent over-collected \$75.00 from the customer, which was refunded to the insured after being notified of such by the Pennsylvania Insurance Department.

#### 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(4) prohibits producers from improperly withholding, misappropriating, or converting money or property received in the course of doing business.

- (c) Respondent's activities described above in paragraphs 3(d) through 3(i) 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) Respondent's activities described above in paragraphs 3(d) through 3(l) 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) Respondent's activities described above in paragraphs 3(d) through 3(l) 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) Respondent's activities described above in paragraphs 3(d) through 3(l) violate 40 P.S. § 310.11(20).
  
- (j) Respondent's 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 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 pay a civil penalty of Five Thousand Dollars (\$5,000.00) to the Commonwealth of Pennsylvania. Payment of this penalty shall be made by certified check or money order, payable to the Commonwealth of

Pennsylvania. Payment should be directed to Bureau of Licensing and Enforcement, 1227 Strawberry Square, Harrisburg, Pennsylvania 17120. Payment may be enclosed with the Consent Order, but must be paid in any event no later than fourteen (14) days after the date of the Consent Order.

- (c) Respondent'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 future confirmed and verified 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 three (3) years from the date of this Order.
  
- (d) Respondent specifically waives his right to prior notice of said suspension, as a result of Paragraph 5(c)(ii) above, 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 a 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.

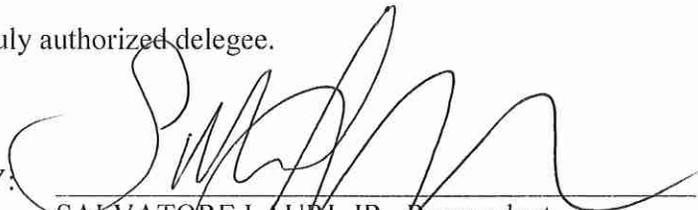
8. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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:

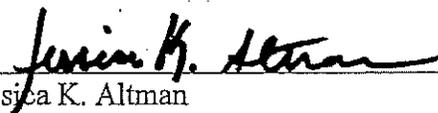
  
SALVATORE LAURI, JR., Respondent

  
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 28<sup>th</sup> 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.

  
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Jessica K. Altman  
Insurance Commissioner

