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INSURANCE DEPARTMENT

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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
RANDALL M. LEVESQUE	:	40 P.S. §§ 310.11(8), (16), (19), (20)
8 Columbia Road	:	310.78(a) and 310.10
Middletown, RI 02842	:	
	:	
	:	
	:	
	:	
	:	
Respondent.	:	Docket No. CO18-07-008

CONSENT ORDER

AND NOW, this 3rd day of June, 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 Randall M. Levesque and maintains his address at 8 Columbia Road, Middletown, RI 02842.
- (b) Respondent is, and at all times relevant hereto has been, a licensed non-resident producer.
- (c) Respondent entered into a Consent Order on February 24, 2016 with his resident state of Rhode Island wherein he voluntarily surrendered his license, after he failed to cooperate with that department's investigation into allegations he misappropriated funds.
- (d) Respondent's Minnesota non-resident producer license was revoked on August 22, 2017 via Consent Order and subsequent Order to Show Cause for failing to cooperate with that department's investigation; engaging in fraudulent, dishonest, untrustworthy, and financially irresponsible practices by improperly withholding, misappropriating or converting insurance premiums financed through a premium finance company; and by using the identity of insureds without their knowledge or consent in premium finance agreements during the summer and fall of 2016.

- (e) Respondent was terminated by the Great American Insurance Company on March 13, 2017 for misappropriating client's policy premium payments after accepting them and then failing to remit those payments to the company.
- (f) Respondent's Ohio non-resident producer license was revoked on November 28, 2017 for not being properly licensed.
- (g) Respondent's Connecticut non-resident producer license was revoked on October 22, 2018, for embezzlement and misappropriation of clients' funds.
- (h) Respondent failed to notify the Department within 30 days after receiving other states' administrative actions.
- (i) Respondent pleaded guilty to one (1) count of Wire Fraud in violation of 18 U.S.C § 1343, a felony, on March 11, 2019.
- (j) Respondent failed to notify the Department of his change of address within 30 days.

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(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.
- (c) Respondent's activities described above in paragraphs 3(d), 3(f), and 3(g) violate 40 P.S. § 310.11(8).
- (d) 40 P.S. § 310.11(14) prohibits a licensee or an applicant from committing a felony or its equivalent.
- (e) Respondent's activities described above in paragraph 3(i) violate 40 P.S. § 310.11(14).
- (f) 40 P.S. § 310.11(16) prohibits a licensee or an applicant from committing a violation of subarticle B, pursuant to 310.42.
- (g) Respondent's activities described above in paragraph 3(e) violate 40 P.S. § 310.11(16).

- (h) 40 P.S. § 310.11(19) prohibits a licensee or an applicant from failing to notify the Department of a change of address within 30 days.
- (i) Respondent's activities described above in paragraph 3(j) violate 40 P.S. § 310.11(19).
- (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(j) violate 40 P.S. § 310.11(20).
- (l) 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.
- (m) Respondent's activities described above in paragraph 3(h) violate 40 P.S. § 310.78(a).
- (n) Respondent's violations of §§ 310.11(8), (14), (16), (19), (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.
- (o) 40 P.S. § 310.10(a) requires an individual to be licensed as a resident insurance producer in another state or territory as a prerequisite to obtaining a nonresident insurance producer license from the Department.
- (p) Respondent's activities described in paragraph 3(c) demonstrate that he no longer meets the prerequisite qualification necessary to hold a nonresident insurance producer license.

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) 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 ten (10) 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:



RANDALL M. LEVESQUE, Respondent

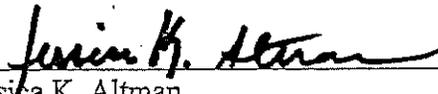


COMMONWEALTH OF PENNSYLVANIA
By: CHRISTOPHER R. MONAHAN
Deputy Insurance Commissioner

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

