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ADMINISTRATIVE HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE: : ALLEGED VIOLATIONS:  
: :  
**Jeffery Lewis** : 40 P.S. §§ 310.11(1), (2), (3), (8), (19),  
2700 Philadelphia Rd. : (20) and 40 P.S. § 310.78(a)  
Edgewood, MD 21040 : :  
: :  
Respondent : Docket No. **SC19-11-013**

**ADJUDICATION AND ORDER**

AND NOW, this 25<sup>th</sup> day of February, 2020, Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania (“Commissioner”), makes the following Adjudication and Order.

**HISTORY**

This case began when the Pennsylvania Insurance Department (“Department”) filed an Order to Show Cause (“OTSC”) on November 21, 2019 directed to Jeffery Lewis (“Lewis” or “the respondent”). The OTSC alleged that Lewis violated the Insurance Department Act.<sup>1</sup> Specifically, the OTSC alleged that Lewis, a licensed nonresident insurance producer, falsely denied prior criminal convictions on his 2013 Pennsylvania license application and 2018 renewal application, did not report out-of-state administrative actions to the Pennsylvania Department within 30 days, and did not update his address with the Department within 30 days.

The OTSC advised Lewis to file an answer in accordance with applicable

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<sup>1</sup> Act of May 17, 1921, P.L. 789, No 285, 40 P.S. § xx.

DATE MAILED: February 25, 2020

regulations (1 Pa. Code § 35.37), and further advised him that the answer must specifically admit or deny each of the factual allegations made in the OTSC as well as the authenticity of attached appendices. The respondent was advised to set forth the facts and state concisely the matters of law upon which he relies. He further was advised of the consequences of failing to answer the OTSC.<sup>2</sup> Following the filing of the OTSC, a presiding officer was appointed and the appointment order was served on Lewis by first class and certified mail at the two addresses for the respondent given in the OTSC. One of the certified mailings was returned to the hearings office as “unclaimed” but the other three mailings were not returned as undeliverable. The certified mailing to a Belcamp, Maryland address was delivered as evidenced by a signed certified mail return receipt card.

Lewis failed to answer the Department’s Order to Show Cause or otherwise respond to the Administrative Hearings Office. On December 30, 2019, the Department filed a motion for default judgment and served Lewis in accordance with 1 Pa. Code Chapter 33. The motion declared that the OTSC was served by regular and certified mail to the respondent to his Edgewood, Maryland address as kept on file in the Department as well as the Belcamp, Maryland address. The motion also declared that the regular mailings were not returned by the postal service to the Department as undeliverable, that the certified mailing to the Edgewood address was returned to the Department minus the receipt card, and that the certified mailing to the Belcamp address was delivered as evidenced by the attached signed certified mail return receipt card. Notice of the OTSC was also published in the Pennsylvania Bulletin on Saturday, December 7, 2019. The respondent has not filed a response to the OTSC or motion for default judgment, nor made any other filing in this matter.

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<sup>2</sup> The OTSC warned the respondent that failure to answer in writing would result in the factual allegations and authenticity of attached appendices being deemed admitted, and that the Commissioner could enter an order imposing penalties.

This adjudication and order addresses the motion for default judgment and the order to show cause. Factual findings and some legal conclusions are contained within the body of this adjudication.

### DISCUSSION

This adjudication is issued without scheduling an evidentiary hearing, since Lewis failed to answer the order to show cause or motion for default judgment. The order to show cause and motion advised as to the consequences of the failure to respond. However, because of the language in the penalty provisions of applicable statutes, an analysis of the Commissioner's ability to impose penalties absent an evidentiary hearing is required.

There are no factual disputes in the present matter. All factual averments in the OTSC are deemed to be admitted under 1 Pa. Code § 35.37.

Under general rules of administrative procedure, a final order may be entered without hearing for an insufficient answer to the OTSC unless otherwise provided by statute. *See* 1 Pa. Code § 35.37 (“Mere general denials . . . will not be considered as complying with this section and may be deemed a basis for entry of a final order without hearing, unless otherwise required by statute, on the ground that the response has raised no issues requiring a hearing or further proceedings.”). A respondent failing to file an answer within the time allowed shall be deemed in default. *Id.* Department regulations do not limit the Commissioner's ability to order a default judgment without a hearing, so any limitation must come, if at all, from a statute.

In order for an adjudication by a Commonwealth agency to be valid, a party must have a “reasonable notice of a hearing and an opportunity to be heard.” 2 Pa.C.S. § 504 (Administrative Agency Law). Similarly, the statute specifically applicable to the present

case<sup>3</sup> provides for a hearing procedure prior to certain penalties being imposed by the Commissioner. *See* 40 P.S. § 310.91.<sup>4</sup> However, given that the respondent has not answered the order to show cause and given current caselaw, these hearing procedures are inapplicable.

While no court directly has addressed the power of a Commissioner to enter a default judgment without hearing in a case under the Insurance Department Act, the caselaw supports such power. For example, in *United Healthcare Benefits Trust v. Insurance Commissioner*, 620 A.2d 81 (Pa. Cmwlth. 1993), the Court affirmed the Commissioner's grant of summary judgment for civil penalties despite the language contained in the applicable statutes which seemed to require a hearing. Also, the Court specifically has upheld a decision in which the Commissioner granted default judgment for an Unfair Insurance Practices Act (UIPA)<sup>5</sup> violation. *Zimmerman v. Foster*, 618 A.2d 1105 (Pa. Cmwlth. 1992).

In a case involving another agency, the Commonwealth Court upheld summary judgment imposing discipline issued by a commission despite the fact that the respondent had requested a hearing. *Kinniry v. Professional Standards and Practices Commission*, 678 A.2d 1230 (Pa. Cmwlth. 1996). In *Kinniry*, the applicable statute (24 P.S. §§ 2070.5(11), 2070.13) provided for a hearing procedure before discipline was imposed. However, the respondent's attorney merely requested a hearing without answering the specific factual

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<sup>3</sup> Insurance Department Act, Act of May 17, 1921, P.L. 789 as amended (40 P.S. §§ 1 *et seq.*).

<sup>4</sup> The Insurance Department Act section mandates written notice of the nature of the alleged violations and requires that a hearing be fixed at least ten (10) days thereafter, and further provides that:

After the hearing or upon failure of the person to appear at the hearing, if a violation of this act is found, the commissioner may, in addition to any penalty which may be imposed by a court, impose any combination of the following deemed appropriate: . . .

40 P.S. § 310.91. This Section then lists available penalties.

<sup>5</sup> Act of July 22, 1974, P.L. 589, No. 205, 40 P.S. §§ 1171.1-1171.15.

averments in the charges against the respondent (which charges were treated as an order to show cause). The Court upheld the summary judgment since deemed admission of the factual averments presented no factual issues to be resolved at hearing.

The Commissioner consistently has applied the reasoning of *United Healthcare* and similar cases when the respondent does not answer the order to show cause and a motion for default judgment. See *In re Phelps*, P95-09-007 (1997); *In re Crimboli*, SC99-04-015 (1999); *In re Young*, SC98-08-027 (2000); *In re Jennings*, SC99-10-001 (2001); *In re Warner*, SC01-08-001 (2002); *In re Taylor*, SC07-11-015 (2008); *In re Kroope*, SC09-12-005 (2010); *In re Kletch*, SC15-04-022 (2015). The Commissioner adopts this reasoning in the present case: the important aspects of 2 Pa.C.S. § 504 are notice and the *opportunity* to be heard. Default judgment is appropriate, despite language in applicable statutes which seems to require a hearing, when a respondent fails to take advantage of his opportunity to be heard. When a respondent in an enforcement action is served with an order to show cause detailing the nature of the charges against him as well as the consequences of failing to respond, yet fails to answer the allegations or to answer a subsequent motion for default judgment, the Commissioner adopts the Commonwealth Court's reasoning that the respondent had an opportunity to be heard but has rejected the opportunity.

Additionally, there are no factual matters to address at a hearing. Since the factual allegations of the OTSC are deemed admitted, including the authenticity of the documents appended to and incorporated by the OTSC, the determination by the Commissioner is a legal rather than a factual one. A hearing is not necessary for this type of determination. See *Mellinger v. Department of Community Affairs*, 533 A.2d 1119 (Pa. Cmwlth. 1987); *United Healthcare, supra*. The Commissioner adjudicates the present case based upon the undisputed, admitted facts as alleged in the OTSC and contained in the appended documents.

The facts include that Lewis was a licensed nonresident insurance producer in Pennsylvania with his home state of residence being Maryland. [OTSC ¶¶ 1-2]. In 2003, he was convicted in Maryland of one misdemeanor count of marijuana possession.<sup>6</sup> [OTSC ¶ 4 and Appendix A]. However, his December 13, 2013 Pennsylvania nonresident producer license application, he answered “no” to the following question:

Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

*Note: “Crime” includes a misdemeanor, a felony or a military offense.*

You may exclude misdemeanor traffic citations and misdemeanor convictions or pending misdemeanor charges involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses.

“*Convicted*” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere or no contest, or having been given probation, a suspended sentence or a fine.

[OTSC ¶ 5; Appendix B]. On his March 2018 renewal application for that license he answered “no” to the following question:

Have you been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor, which has not been previously reported to this insurance department?

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<sup>6</sup> The OTSC also alleges that the respondent in 1998 was convicted in Maryland of misdemeanor paraphernalia possession, but this conclusion is *not* deemed to be admitted. Rather, the OTSC itself and court records contradict the allegation. Lewis was not convicted of this offense, but rather received probation before judgment. [OTSC ¶ 3 n. 2 and Appendix A]. This apparently is a diversionary program similar to accelerated rehabilitative disposition or other such programs in Pennsylvania. Without a guilty plea, nolo contendere plea, verdict or judgment of sentence, a defendant has not been convicted. *See Kearney v. Bureau of Prof'l and Occupational Affairs*, 172 A.3d 127, 136 (Pa. Cmwlth. 2007) (“successful completion of ARD ‘is not equivalent to a conviction under any circumstance.’”); *J.F. v. Department of Human Services*, 2019 Pa. Commw. LEXIS 722, at \*15-17 and n. 8 (Pa. Cmwlth. Mar. 7, 2019) (ARD does not constitute conviction nor adjudicate facts underlying criminal charges). A diversionary or alternative disposition, by definition, *avoids* conviction upon successful completion of the program. The license application question from 2013 defines “convicted” as being found guilty by verdict or plea, “*or having been given probation, a suspended sentence, or a fine.*” [OTSC Appendix B (emphasis added)]. This definition, which is not contained in the licensing statute, cannot create a conviction out of something which is not. Diversionary programs generally have some type of probation involving supervision, reporting, evaluation and/or treatment and impose court costs and other charges. *See, e.g.*, Pa.R.Crim.P. 316(A) (conditions of ARD program). At best, the definition in the application refers to probation, suspended sentence or fine only incident to a conviction and not pursuant to a diversionary program. At worst, the last part of the definition makes what otherwise would be a clear question confusing.

You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license.

You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)

[OTSC ¶ 8; Appendix K]. The “no” answer on the 2018 renewal application, like the answer on the 2013 application, was false because of the 2003 possession conviction.

Between 2016 and 2018, a cascade of jurisdictions acted against the respondent’s nonresident licenses, beginning with Louisiana on April 25, 2016 when it fined Lewis \$250.00 for failing to disclose the 1998 and 2003 criminal charges on the 2013 Louisiana license application and 2014 renewal application. [OTSC ¶ 6.i; Appendix D]. Louisiana did not suspend or revoke the respondent’s nonresident license. [*Id.*].

On February 23, 2017, Virginia revoked the respondent’s nonresident license for a minimum period of 60 days. [OTSC ¶ 6.iii; Appendix E]. Virginia’s action was based upon the respondent’s failure to report the Louisiana action and for providing incorrect and untrue information in Virginia’s license application. [*Id.*]. No monetary fine was imposed. [*Id.*].

On April 6, 2017, Idaho revoked the respondent’s nonresident license because the respondent’s resident license in Maryland was revoked on February 3, 2017, although Maryland’s revocation was rescinded in May 2017. [OTSC ¶¶ 6.ii, 6.iv and 6.vii; Appendices E, G and H]. No monetary fine was imposed by Idaho. [OTSC ¶ 6.iv; Appendix G].

On May 16, 2017, Delaware fined the Lewis \$500.00 for failure to report another state’s action. [OTSC ¶ 6.v; Appendix C].

On May 31, 2017, South Carolina revoked the respondent's nonresident license for failing to report Louisiana's administrative action timely and for providing materially incorrect and untrue information in his license application. [OTSC ¶ 6.vii; Appendix F]. No monetary fine was imposed. [*Id.*].

On January 8, 2018, Missouri fined Lewis \$500.00 for failure to make a required disclosure on his license application. [OTSC ¶ 6.viii; Exhibit J]. The fine was part of a "Voluntary Forfeiture Agreement" which did not deny or forfeit the respondent's license, but in which Lewis agreed that the violation could be considered in a future action based upon additional violations. [*Id.*].

During this period of administrative actions in other states, the respondent's Maryland resident license was revoked for a brief period before the revocation was rescinded. On February 3, 2017, the respondent's resident license was revoked for failure to respond to the Maryland Insurance Administration concerning a consumer complaint and for failure to notify the Maryland Insurance Commissioner of a change of address. [OTSC ¶ 6.ii; Appendix E]. However, the revocation order was rescinded by subsequent order by the Commissioner on May 18, 2017. [OTSC ¶ 6.vi; Appendix H]. This subsequently-rescinded revocation was the basis for the Idaho administrative action in April 2017. [OTSC ¶¶ 6.ii, 6.iv and 6.vii; Appendices E, G and H].

On April 24, 2018, the Pennsylvania Insurance Department learned that on March 29, 2018, Lewis reported to the National Insurance Producer Registry Attachment Warehouse his prior criminal conduct and two of the administrative actions against him. [OTSC ¶ 9]. During a September 12, 2019 telephone conversation with the Department, Lewis informed the Department of his Belcamp, Maryland mailing address. [OTSC ¶ 10].

The respondent had failed to update his address with the Department within 30 days. [OTSC ¶ 11].

Based upon these facts, Lewis was charged with 19 distinct violations of the Insurance Department Act in as many counts: I–II) two counts of giving incorrect or false information on an insurance application in violation of 40 P.S. § 310.11(1); III–IV) two counts of obtaining a license through misrepresentation or fraud in violation of 40 P.S. § 310.11(3); V–VIII) four counts of having an insurance producer license denied, suspended or revoked by a government entity in violation of 40 P.S. § 310.11(8); IX–XVI) eight counts of failure to notify the Department of an administrative action within 30 days in violation of 40 P.S. § 310.78(a); XVII) one count of failure to notify the department of a change of address within 30 days in violation of 40 P.S. § 310.11(19); XVIII) one count of violating insurance laws, a violation of 40 P.S. § 310.11(2), by violating the specific statutory sections in the first 17 counts; and XIX) one count of demonstrating lack of general fitness, competence or reliability sufficient to satisfy the department that the licensee is worthy of licensure in violation of 40 P.S. § 310.11(20).

For each of the counts, the Commissioner has authority to impose remedial action against the respondent, including suspension or revocation of his licenses as well as imposing a penalty of up to \$5,000.00 per violation. 40 P.S. § 310.91(d)(1), (2). The Commissioner also may order the respondent to cease and desist and impose other conditions the Commissioner deems appropriate. 40 P.S. § 310.91(d)(3), (4). In the present case, the admitted facts support sanctions for 15 of the 19 of the counts against the respondent.

By answering “no” to the criminal history questions on his 2013 license application and 2018 renewal application, Lewis in each instance violated 40 P.S. § 310.11(1) as set forth in counts I and II. That provision requires that a licensee or applicant shall not provide

“incorrect, misleading, incomplete or false information to the department in a license application.” Each application asked whether the applicant had been convicted of a misdemeanor and Lewis replied “no.” Although the disposition of the respondent’s 1998 paraphernalia possession case was not a conviction,<sup>7</sup> the 2003 guilty plea was a conviction for possession of marijuana. Denying any misdemeanor convictions on the 2013 and 2018 applications was false, subjecting Lewis to liability for each instance.

This same conduct violated 40 P.S. § 310.11(3) twice as alleged in counts III and IV. This subsection proscribes obtaining a license through misrepresentation or fraud. While not requiring that the misrepresentation be on an application, the subsection does imply that the misrepresentation be material to licensure and relied upon the Department. Although the materiality of a 10 or 15 year old marijuana possession conviction to licensure is questionable, the materiality of a dishonest answer about criminal history is obvious. Lewis obtained and renewed the license at least in a small part through the misrepresentations and is liable under counts III and IV. Because the same conduct (false answers) violated both statutory subsections, the sanctions for counts III and IV will be considered together with counts I and II.

The mere fact of having an insurance producer license denied, suspended or revoked by another governmental entity constitutes a violation of 40 P.S. § 310.11(8). Counts V–VIII address the revocations in Maryland, Virginia, Idaho and South Carolina respectively. Virginia, Idaho and South Carolina all revoked the respondent’s nonresident licenses, while Maryland rescinded<sup>8</sup> its revocation. Virginia’s revocation was for materially incorrect information on his application and failure to report Louisiana’s fine. The revocation was

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<sup>7</sup> See note 6, *supra*.

<sup>8</sup> It is notable that Maryland rescinded its revocation, rather than restoring or reinstating the license or vacating its prior order. The revocation thus was void or annulled from its inception, meaning that the license effectively never was revoked, lapsed or out of force.

for a 60 day minimum. Idaho's revocation purely was reciprocal to the respondent's home state of Maryland, which revoked the respondent's license in February 2017 but rescinded that revocation in April 2017. South Carolina also revoked the respondent's license solely for Maryland's revocation. Although Idaho's and South Carolina's actions were based solely on the rescinded Maryland action, the deemed admitted facts do not include that Idaho and South Carolina rescinded their revocations after Maryland did. Accordingly, Lewis is liable under Counts VI–VIII for the Virginia, Idaho and South Carolina revocations but not liable under Count V for the rescinded Maryland action.

Similarly, the respondent is liable for failing to report administrative actions within 30 days in violation of 40 P.S. § 310.78(a). This section requires a licensee to “report to the department any administrative action taken against the licensee in another jurisdiction or by another governmental agency in this Commonwealth within 30 days of the final disposition of the matter.” By failing to report the actions taken by Louisiana, Virginia, Idaho, Delaware, South Carolina and Missouri, the respondent is liable under Counts IX, XI–XIII and XV–XVI. However the respondent is not liable under Count X, for which the purported administrative action became a nullity when it was rescinded. Nor is the respondent liable under Count XIV, because Maryland's rescission of its revocation was not an “action taken against the licensee,” which was required to be reported. An order rescinding a revocation is no more an action “against” a licensee than a license issuance or renewal, and need not be reported.

Count XVII is an alleged failure to notify the Department of a change of address within 30 days as required by 40 P.S. ¶ 310.11(19). Supporting this charge are the deemed admissions that Lewis verbally gave an address different than his registered address to the Department on September 12, 2018 and that “Respondent failed to update his address with the Department within 30 days.” [OTSC ¶¶ 10, 11]. A third address, possibly a business address in Baltimore, was used for the 2013 Pennsylvania application and in some of the

other jurisdictions. [OTSC Appendices B, D, E, F]. However, missing from the facts are whether any of the addresses became invalid and if so, when that occurred. Liability under Count XVII cannot be found.

Count XVIII is for violation of insurance laws, which is prohibited by 40 P.S. § 310.11(2). Violation of other statutory subsections in Counts I–IV, VI–IX, XI–XIII and XV–XVI constitutes a violation of section 310.11(2) and Lewis is liable under this count even though it involves no conduct additional to the 13 violations it incorporates.

Similarly, 40 P.S. § 310.11(20) proscribes conduct demonstrating a lack of general fitness, competence or reliability. Although no additional conduct is alleged in Count XIX, the conduct resulting in liability under the other counts collectively demonstrates a violation of this subsection. Lewis is liable under Count XIX.

With Lewis liable for remedial action under 15 of the 19 counts, the appropriate action must be established.

## PENALTIES

The Commissioner may suspend or revoke a license for conduct violating certain provisions of the Insurance Department Act, including those provisions violated by Lewis's conduct. 40 P.S. 310.91(d)(1). Each violation subjects the actor to a maximum five thousand dollar civil penalty. 40 P.S. 310.91(d)(2). The actor may be ordered to cease and desist his conduct. 40 P.S. 310.91(d)(3). The Commissioner also may impose other appropriate conditions. 40 P.S. 310.91(d)(4).

A Commissioner is given broad discretion in imposing penalties. *Termini v. Department of Insurance*, 612 A.2d 1094 (Pa. Cmwlth. 1992); *Judson v. Insurance Department*, 665 A.2d at 523, 528 (Pa. Cmwlth. 1995). The underlying course of conduct in the present case, which includes reporting to the regulator of his profession in this Commonwealth, is serious and directly connected to the respondent's duties as an insurance producer. The respondent's failure to report the convictions and other states' actions to the Commonwealth's regulator breached the respondent's duties to the Commonwealth and to the public. Whether a conscious concealment or a negligent nondisclosure, the failure to disclose the convictions and actions hampered the Insurance Department's ability to regulate the profession and protect insurance consumers. This concealment goes to the heart of the requirement that insurance producers be trustworthy and reliable in their work with the insurance-buying public. The seriousness of the respondent's omissions is reflected in the penalties imposed.

As an additional aggravating factor, Lewis did not participate in these proceedings to offer an explanation or otherwise answer to the charges against him. Whether he simply was overwhelmed by the cascade of nonresident states' actions or consciously elected not to offer a defense, failure to respond disrespects licensing jurisdictions to which Lewis subscribed.

Some evidence exists to mitigate the seriousness of the violations. First, Lewis has no record of public discipline in Pennsylvania other than the current action. With regard to reporting the criminal history, one of the two underlying charges did not result in conviction and did not need to be reported. Also, the underlying offenses did not involve dishonesty, the business of insurance, financial or personal harm to other individuals, or recent activity. With regard to other states' actions, apparently Lewis still has his resident license in his home state, and other states' actions mostly were reciprocal or reporting offenses causing a chain reaction in a very short period of time. Louisiana took the first action, for failure to disclose on the 2013 application the two criminal charges cited in Pennsylvania's OTSC. That violation in Louisiana resulted in a modest \$250.00 fine with no loss of licensure. However, Louisiana's action and Maryland's rescinded revocation started a massive pileup involving at least eight states.

Licensees are not entitled to a "volume discount" for conduct in multiple jurisdictions and constituting multiple violations in Pennsylvania. Nor does the number of nonresident licenses held by Lewis excuse noncompliance with Pennsylvania insurance laws requiring disclosure and reporting to the Pennsylvania regulator. By seeking and obtaining a nonresident license in Pennsylvania as well as other states, Lewis undertook the responsibility to meet all administrative and legal requirements in each of those states. Licensing and supervision by each state is the bulwark protecting that state's insurance consumers from a licensee's conduct.

On the other hand, the 15 violations of Pennsylvania law overlap and in some cases rely upon the same conduct multiple times. The fact that only two courses of conduct (misrepresenting criminal history and failing to report other states' actions) resulted in 15 violations in Pennsylvania is considered in imposing penalties, as is the fact that the

respondent already was punished in other states for the same course of conduct in those jurisdictions.

The Department in its OTSC requested that the Commissioner revoke the respondent's insurance producer's license(s), bar the respondent from future licensure as an insurance producer, bar the respondent from applying to renew any license previously held by him, impose a \$5,000.00 civil penalty per violation, and impose other appropriate conditions including restitution and supervision should the respondent ever become relicensed. In its motion for default judgment, the Department also requested that the respondent be ordered to cease and desist from violating insurance laws and that the supervision period be for a minimum period of five years.

The remedial actions as requested by the Department have been imposed for similar but more serious courses of conduct by licensees. However, in the present case, the relief requested by the Department is out of proportion to the circumstances in Pennsylvania as well as to the penalties imposed by sister jurisdictions for the same conduct. The civil penalty imposed by other jurisdictions ranged from zero to \$500.00. The respondent's license was not revoked in two states. It was revoked with no minimum waiting period in two others. It was revoked with a 60 day minimum waiting period in Virginia.

Considering the facts in this matter, the applicable law, the seriousness of the conduct and all aggravating and mitigating circumstances, penalties are imposed as set forth in the accompanying order. The remedial action will be less severe than as requested by the Department, but still more severe than imposed by any of the other jurisdictions for similar conduct. Revocation rather than a fixed period of suspension is appropriate so that reapplication is required, at which time intervening action or lack thereof in nonresident and resident states may be considered.

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	ALLEGED VIOLATIONS:
	:	
<b>Jeffery Lewis</b>	:	40 P.S. §§ 310.11(1), (2), (3), (8), (19), (20)
2700 Philadelphia Rd.	:	and 40 P.S. § 310.78(a)
Edgewood, MD 21040	:	
	:	
Respondent	:	Docket No. <b>SC19-11-013</b>

**ORDER**

AND NOW, based upon the foregoing findings of fact, discussion and conclusions of law, it is **ORDERED** as follows:

1. Jeffery Lewis shall **CEASE AND DESIST** from the prohibited conduct described in the adjudication.

2. All of the insurance licenses or certificates of qualification of Jeffery Lewis **ARE REVOKED** for a minimum of six (6) months pursuant to 40 P.S. 310.91. Additionally, Jeffery Lewis is prohibited from applying for a license or certificate of qualification in this Commonwealth for a minimum of six (6) months. Jeffery Lewis also is prohibited from applying to renew any certificate of qualification previously held by him in this Commonwealth for a minimum of six (6) months.

3. Jeffery Lewis shall pay a civil penalty to the Commonwealth of Pennsylvania as within thirty (30) days of this order as follows: Seven Hundred Fifty Dollars (\$750.00). Payment shall be made by certified check or money order, payable to the Commonwealth of Pennsylvania, directed to: Administrative Assistant, Bureau of Enforcement, 1227 Strawberry Square, Harrisburg, Pennsylvania 17120. In addition to the above restrictions, no certificate of qualification or other insurance license may be issued or renewed until the said civil penalty is paid in full.

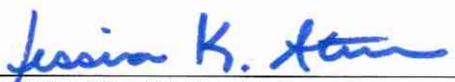
4. Should the respondent ever become licensed at any future date, the respondent's licenses may be immediately suspended by the Insurance Department following its investigation and determination that: (i) the penalty has not been fully paid; (ii) any other term of this order has not been complied with; or (iii) any complaint against the 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 any relicensure.

5. Jeffery Lewis shall have no right to prior notice of a suspension imposed pursuant to paragraph 4 of this order, 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 the respondent by certified mail, return receipt requested, notification of the suspension, which hearing shall be scheduled for a date within sixty (60) days of the Department's receipt of the respondent's written request.

6. At the hearing described in paragraph 5 of this order, the respondent shall have the burden of establishing that he is worthy of an insurance license.

7. In the event that the respondent's licenses are suspended pursuant to paragraph 4 of this order, and the respondent either fails to request a hearing within thirty (30) days or at the hearing fails to establish that the respondent is worthy of a license, the respondent's suspended licenses shall be revoked.

8. This order is effective immediately.

  
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JESSICA K. ALTMAN  
Insurance Commissioner