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By Admin Hearings, Ins Dept at 8:49 am, Apr 21, 2021

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

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|----------------------|---|------------------------------------|
| IN RE: | : | VIOLATIONS: |
| | : | |
| ROBERT J. LINKOWSKI | : | 40 P.S. § 310.11(9), (17) and (20) |
| 108 Marshall Drive | : | |
| Pittsburgh, PA 15228 | : | |
| | : | |
| | : | |
| | : | |
| Respondent. | : | Docket No. CO21-04-007 |

CONSENT ORDER

AND NOW, this 21st day of April, 2021, this Order is hereby issued by the Insurance Department of 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 Robert J. Linkowski and maintains a record of his address with the Pennsylvania Insurance Department as 108 Marshall Drive, Pittsburgh, PA 15228.
- (b) Respondent is, and at all times relevant hereto has been, a licensed Resident Producer and Resident Viatical Settlement Broker.
- (c) Respondent, on September 3, 2020, submitted change of ownership forms for six life insurance policies owned by a single female insured and her four children. These forms effected a change of ownership from the female insured to her ex-husband (the payer on all six policies).
- (d) On March 1, 2021, the female insured confirmed that she had signed a single form that was presented to her by her ex-husband. She stated that she had been under the impression that the form she was signing was granting authorization for a loan to be taken against one of her child's insurance policies for payment of college tuition.
- (e) Respondent, on March 4, 2021, stated in his Department interview that he allowed the payer and ex-husband to acquire the signature needed to process the change in ownership. Respondent admitted that only one

form was completed so he photocopied the signature page in order to complete the change for the remaining policies.

- (f) Respondent stated that he had always worked with the husband in the past as he was the payer on all of the policies. He admitted that in hindsight given the separation of the couple he should have reached out to the insured/owner of the policies to make sure that she had been properly informed about the changes and was actually authorizing the changes identified in finding 3(c).
- (g) Respondent stated that his making photocopies of the signature page was not done with the intent to defraud but rather was just an attempt to cut corners.

CONCLUSION 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(9) prohibits a licensee or an applicant from forging another person's name on an insurance application or any document related to an insurance or financial service transaction.

- (c) Respondent's activities described in paragraphs 3(c), 3(e) and 3(g) violate 40 P.S. § 310.11(9).
- (d) 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.
- (e) Respondent's activities described in paragraphs 3(c) through 3(g) violate 40 P.S. § 310.11(17).
- (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 in paragraphs 3(c) through 3(g) violate 40 P.S. § 310.11(20).
- (h) Respondent's violations of 40 P.S. § 310.11(9), (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 hundred dollars (\$500.00) 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 the Pennsylvania Insurance Department, 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 confirmed 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 this Order.

- (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 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.
- (g) At Respondent's own expense, Respondent must successfully complete a continuing education course on the topic of ethics and provide proof of the course completion to the Department within six (6) months.

6. In the event the Insurance Department find 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.

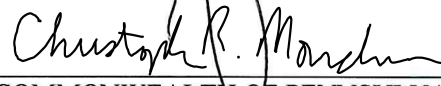
11. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or a duly authorized delegee is authorized to bind the Insurance Department with respect to the settlement of the alleged violations of law

contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or duly authorized delegee.

BY:



ROBERT J. LINKOWSKI, Respondent



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