

By Admin Hearings, Ins Dept at 10:18 am, Jul 16, 2021

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40 P.S. §§ 310.11(2), (8), (20) and
310.78(a)

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AND NOW, this 16th day of July, 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 John Lord and maintains a record of his address with the Pennsylvania Insurance Department as 8085 Rivers Avenue, N. Charleston, South Carolina 29406.
- (b) Respondent is, and at all times relevant hereto has been, a licensed Non-Resident Producer Individual.
- (c) Respondent, on August 29, 2007, was permanently disbarred by the Ohio Bar Association.
- (d) Respondent, on April 10, 2018, pleaded guilty in the Court of Common Pleas of Cuyahoga County, Ohio to one (1) count of Aggravated Theft, and one (1) count of Theft, both misdemeanors.
- (e) Respondent, on June 29, 2018, was issued an administrative action by the South Dakota Department of Insurance denying licensure for the disbarment identified in finding 3(c); for providing incomplete, misleading, or incorrect information in an application; and for demonstrating incompetence, untrustworthiness, or financial responsibility for the criminal conviction identified in finding 3(d).

- (f) Respondent, on July 31, 2018, was granted licensure by the Department and disclosed the criminal conviction identified in finding 3(d).
- (g) Respondent received the following administrative actions and failed to notify the Department within 30 days:
- On September 17, 2018, the North Dakota Department of Insurance issued Respondent a conditional license with a probationary period of 60 months plus 61 days due to the criminal conviction identified in finding 3(d).
 - On November 9, 2018, the Indiana Department of Insurance denied Respondent's license application based on the disbarment identified in finding 3(c), the criminal conviction identified in finding 3(d), and his failure to disclose the South Dakota Department of Insurance license denial.
 - On December 17, 2018, the Louisiana Department of Insurance revoked Respondent's license for failure to disclose his South Dakota Department of Insurance application denial and for failure to respond to requests by the Louisiana Department of Insurance for additional information regarding that action.
 - On April 22, 2019, the Washington Department of Insurance revoked Respondent's license for failure to report the Louisiana Department of Insurance revocation; failing to timely respond to requests for additional information; and for having a license revoked in another state.
 - On June 12, 2019, the South Dakota Department of Insurance denied licensure for providing incomplete, misleading, or

incorrect information on an application; violating the insurance laws or rules of South Dakota or any other state; demonstrating incompetence, untrustworthiness, or financial responsibility; and for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state.

- On October 2, 2019, the Wyoming Department of Insurance revoked Respondent's license with a \$100.00 fine for failure to respond to a Petition, Notice, and Order To Show Cause.
- On January 30, 2020, the New Hampshire Department of Insurance permanently revoked Respondent's license for failure to report other state actions; having a license revoked, suspended, or denied in another state; and failure to respond to additional requests for information.
- On February 10, 2020, the Delaware Department of Insurance revoked Respondent's license and issued him a \$1,000.00 fine for failure to report other state actions within 30 days.
- On March 9, 2020, the North Carolina Department of Insurance imposed a \$700.00 fine for failure to report other state actions within 30 days.
- On December 7, 2020, the Wisconsin Department of Insurance revoked Respondent's license for failure to report other state actions within 30 days and failure to pay a \$500.00 fine.
- On December 8, 2020, the Virginia Department of Insurance revoked Respondent's license for failure to report other state actions within 30 days.

- On March 3, 2021, the North Carolina Department of Insurance issued Respondent a \$400.00 fine for failure to report other state actions 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(2) prohibits a licensee or an applicant from violating the insurance laws or regulations of this Commonwealth or a subpoena or order of the commissioner or of another state's insurance commissioner.
- (c) Respondent's activities described above in paragraphs 3(e) and 3(g) violate 40 P.S. § 310.11(2).
- (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 paragraph 3(g) 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 in paragraphs 3(c), 3(d), 3(e) and 3(g) 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(g) violate 40 P.S. § 310.78(a).
- (j) Respondent's violations of 40 P.S. §§ 310.11(2), (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 pay a civil penalty of one thousand five hundred dollars (\$1,500.00) 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 five (5) 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.

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.

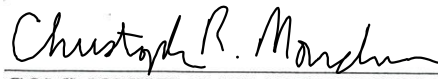
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

11. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or a duly authorized delegate 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 delegate.

BY:



JOHN LORD, Respondent



COMMONWEALTH OF PENNSYLVANIA

By: CHRISTOPHER R. MONAHAN

Deputy Insurance Commissioner