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BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:

ERIC R. MACDOUGALL
5904 Margarets Way
New Hope, PA 18938

Violations:

40 P.S. § 310.11(1), (2), (13) and
(20)

Applicant.

Docket No. CO22-10-010

CONSENT ORDER

AND NOW, this 12th day of October, 2022, 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. Applicant 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. Applicant 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 Pennsylvania Insurance Department ("Department") finds true and correct each of the following Findings of Fact:

- (a) Applicant is Eric R. MacDougall and maintains a record of his address with the Pennsylvania Insurance Department as 1 Neshaminy Interplex Drive, Suite 201, Trevose, PA 19053-6955.
- (b) Applicant was previously licensed as a Resident Producer until May of 2019 when he failed to renew his license. Applicant does not currently possess a Resident Producer license.
- (c) Applicant failed to pay Pennsylvania state taxes from 2006 through 2018.
- (d) Applicant was notified by the Pennsylvania Department of Revenue by mail on June 6, 2017, that he was non-compliant with his tax obligations, which could result in actions against his Pennsylvania Insurance Department issued license.
- (e) Applicant had six (6) liens against him totaling \$164,726.47 under the Court of Common Pleas of Buck County, Docket Numbers 15-70852, 2013-73654, 2014-71956, 2017-71866, 2018-71127, and 2018-72210 for non-compliance with his Pennsylvania state tax obligations.

- (f) Applicant on his renewal applications in 2007, 2009, 2011, 2013, 2015, and 2017, improperly answered "No" to the question asking if he had failed to pay state income tax or comply with any court order directing payment of state income tax.

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) Applicant is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 40 P.S. § 310.11(1) prohibits a licensee or an applicant for a license from providing incorrect, misleading, incomplete or false information to the Department in a license application.
- (c) Applicant's activities described in paragraph 3(f) violate 40 P.S. § 310.11(1).
- (d) 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.
- (e) Applicant's activities described above in paragraphs 3(c), 3(e) and 3(f) violate 40 P.S. § 310.11(2).

- (f) 40 P.S. § 310.11(13) prohibits a licensee or an applicant from failing to pay state income tax or comply with any administrative or court order directing the payment of state income tax.
- (g) Applicant's activities described in paragraphs 3(c) and 3(e) violate 40 P.S. § 310.11(13).
- (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) Applicant's activities described in paragraphs 3(c) through 3(f) violate 40 P.S. § 310.11(20).
- (j) Applicant's violations of 40 P.S. § 310.11(1), (2), (13) 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, and as a condition of licensure, the Insurance Department orders and Applicant consents to the following:

- (a) Applicant shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.
- (b) Applicant shall pay a civil penalty of one thousand dollars (\$1,000.00) 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 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) Applicant shall be compliant with all tax obligations including but not limited to, fully and timely complying with any agreed upon Payment Plan entered into with the Department of Revenue and otherwise timely and accurately filling any and all requisite tax returns.
- (d) Upon demand by the Insurance Department, Applicant shall provide full, complete and immediate proof of compliance with any Payment Plan, or any other obligation with the Department of Revenue, in a manner and

form acceptable to the Pennsylvania Insurance Department. Further Applicant acknowledges that this provision must be strictly adhered to; failure to comply with this provision shall, in and of itself, be a material breach of this Order and an independent basis for suspending and/or revoking Applicant's license.

- (e) Should Applicant fail to make any payment by its due date, Applicant's licenses may be immediately suspended or revoked by the Pennsylvania Insurance Department. Applicant acknowledges that this provision must be strictly adhered to; failure to comply with this provision shall, in and of itself, be a material breach of the Order and an independent basis for suspending and revoking Applicant's license.
- (f) Applicant'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 Applicant 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.
- (g) Applicant 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 Applicant 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 Applicant's written request.

- (h) At the hearing referred to in paragraph 5(g) of this Order, Applicant shall have the burden of demonstrating that he is worthy of a license.
- (i) In the event Applicant's licenses are suspended pursuant to paragraph 5(f) above, and Applicant either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that he is worthy of a license, Applicant'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, Applicant 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. Applicant 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:


ERIC R. MACDOUGALL, Applicant


COMMONWEALTH OF PENNSYLVANIA

By: DAVID J. BUONO JR.
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 __31st__ day of __March____, 2022, David J. Buono, Jr.,
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.



Michael Humphreys
Acting Insurance Commissioner

