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By Admin Hearings, Ins Dept at 11:18 am, Jan 27, 2023

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
FELIPE MUNOZ	:	40 P.S. §§ 310.11(1), (2), (8),
3400 E. Southern Ave., Apt. 335	:	(20) and 310.78(b)
Phoenix, AZ 85040	:	
	:	
	:	
	:	
Applicant.	:	Docket No. CO23-01-011

CONSENT ORDER

AND NOW, this 27th day of January, 2023, 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. 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 Felipe Munoz and maintains a record of his address with the Pennsylvania Insurance Department as 3400 E. Southern Ave., Apt. 335, Phoenix, AZ 85040.
- (b) Applicant is a prior licensee who failed to renew his license on November 30, 2018, and does not currently possess a Non-Resident Producer license.
- (c) Applicant, on November 27, 2017, was convicted of Endangerment, a felony, in the Superior Court of Maricopa County, Arizona and was sentenced to two (2) years under the supervision of probation.
- (d) Applicant failed to report the criminal conviction identified in finding 3(c) to the Pennsylvania Insurance Department within thirty (30) days.
- (e) Applicant, on November 5, 2018, entered into a Consent Order with the State of Arizona Department of Insurance and was ordered to pay a civil penalty in the amount of \$250.00 for failing to report the criminal conviction identified in finding 3(c) within thirty (30) days after the pretrial hearing date.

- (f) Applicant's license was revoked on March 14, 2019, by the Louisiana Department of Insurance due to his criminal conviction identified in finding 3(c), failing to report the administrative action identified in finding 3(e) within thirty (30) days, failing to provide required documentation and information, and failing to provide a 1033 waiver.
- (g) Applicant, on May 17, 2019, was released early from probation and his criminal conviction identified in finding 3(c) was designated as a misdemeanor.
- (h) Applicant's license was suspended on August 1, 2019, by the Indiana Department of Insurance for failing to provide a change of address within thirty (30) days after the change and for failing to provide a list of appointment within ten (10) days of receiving the Commissioner's request.
- (i) Applicant's license was revoked on November 25, 2019, by the State of Washington Office of the Insurance Commissioner for failing to report the administrative action identified in finding 3(h) within thirty (30) days of the final disposition, failing to respond to inquiries from the Insurance Commissioner, and for having his non-resident license suspended in another state.
- (j) Applicant, on April 22, 2020, entered into a Voluntary Settlement Agreement with the North Carolina Department of Insurance and agreed

to pay \$500.00 for failing to report the administrative actions identified in findings 3(h) and 3(i) within thirty (30) after the final disposition.

- (k) Applicant's license was revoked on April 22, 2020, by the State of Nevada Department Business and Industry, Division of Insurance for failing to notify the Commissioner of a change in address within thirty (30) days after the change.
- (l) Applicant, on August 25, 2021, was denied a license by the Kansas Insurance Department for providing incorrect, misleading, incomplete or untrue information in the license application, being convicted of a misdemeanor of felony, and having had an insurance agent license, or its equivalent, denied, suspended, or revoked in any state, district, or territory.
- (m) Applicant, on September 7, 2021, was denied a license by the Illinois Department of Insurance for providing incorrect, misleading, incomplete, and materially untrue information on the license application, attempting to obtain a license through misrepresentation, and due to his criminal conviction identified in finding 3(c) and his failure to report it within thirty (30) days after the entry date of the judgment.
- (n) Applicant, on October 6, 2021, was denied a license by the Indiana Department of Insurance for failing to timely report his criminal convictions, for having an insurance producer's license or its equivalent, denied, suspended, or revoked in any other state, province, district, or

territory, and for providing incorrect, misleading, incomplete, or materially untrue information in a license application.

- (o) An application was electronically initiated for a Non-Resident Producer license on May 25, 2022, which failed to disclose the Applicant's criminal and administrative action histories.

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(o) 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(d), 3(e), 3(f), 3(h), 3(i), 3(j), 3(k), 3(l), 3(m), 3(n) and 3(o) violate 40 P.S. § 310.11(2).
- (f) 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.
- (g) Applicant's activities described in paragraphs 3(f), 3(h), 3(i), 3(k), 3(l), 3(m) and 3(n) violate 40 P.S. § 310.11(8).
- (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), 3(d), 3(e), 3(f), 3(h), 3(i), 3(j), 3(k), 3(l), 3(m), 3(n) and 3(o) violate 40 P.S. § 310.11(20).
- (j) 40 P.S. § 310.78(b) requires that within 30 days of being charged with criminal conduct, a licensee shall report the charges to the Department. Additionally, the licensee shall provide the Department with the following within 30 days of their availability to the licensee:
 - (1) a copy of the criminal complaint, information or indictment.
 - (2) a copy of the order resulting from any pretrial hearing.

- (3) a report of the final disposition of the charges.
- (k) Applicant's activities described in paragraph 3(d) violate 40 P.S. § 310.78(b).
- (l) Applicant's violations of 40 P.S. §§ 310.11(1), (2), (8), (20) and 310.78(b) 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'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.
- (c) 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.
- (d) At the hearing referred to in paragraph 5(c) of this Order, Applicant shall have the burden of demonstrating that he is worthy of a license.
- (e) In the event Applicant's licenses are suspended pursuant to paragraph 5(b) 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.

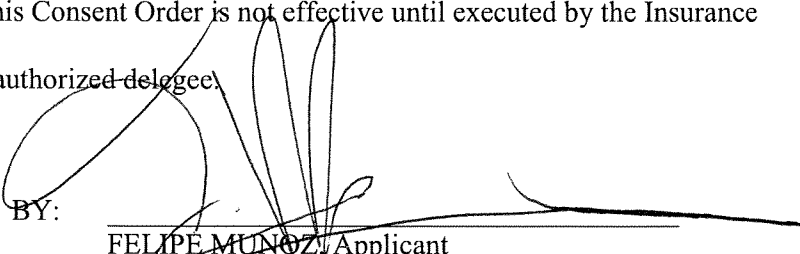
9. Applicant hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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 delegate.

BY:



FELIPE MUNOZ, 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

