

RECEIVED

By Admin Hearings, Ins Dept at 8:07 am, Feb 02, 2023

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:

THOMAS SCOTT PERSING
1410 Newman Road
Pennsburg, PA 18073

VIOLATIONS:

40 P.S. § 310.11(1), (2), (8) and
(20)

Applicant.

Docket No. CO23-01-018

CONSENT ORDER

AND NOW, this 2nd day of February, 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 Thomas Scott Persing and maintains a record of his address with the Pennsylvania Insurance Department as 1410 Newman Road, Pennsburg, PA 18073.
- (b) Applicant is a prior licensee who failed to renew his license on July 31, 2019, and does not currently possess a Resident Applicant license.
- (c) Applicant, on May 1, 2017, was terminated by Golden Rule Insurance Company for completing and submitting two applications without the individuals' authorization.
- (d) Applicant's license was non-renewed by the Indiana Department of Insurance on July 21, 2017 due to forgery and the submission of two (2) consumer applications without their knowledge or consent.
- (e) Applicant, on February 6, 2018, voluntarily surrendered his North Carolina license.
- (f) Applicant's license was revoked by the Louisiana Department of Insurance on May 23, 2018 for using fraudulent, coercive, or dishonest practices or misrepresentation, or demonstrating incompetence,

untrustworthiness, or financial irresponsibility in the conduct of business such as might endanger the public, having his Indiana license revoked, violating insurance laws, and for failing to report the Indiana and North Carolina administrative actions within thirty (30) days.

- (g) Applicant's license was revoked by the Kentucky Department of Insurance on October 15, 2018 for using fraudulent, coercive, or dishonest practices; or demonstrating incompetence, trustworthiness, or financial irresponsibility; or being a source of injury or loss to the public in the conduct of business in this state or elsewhere and for having his Indiana and Louisiana licenses revoked.
- (h) Applicant's license was revoked by the Florida Department of Financial Services on July 17, 2019 for failing to report the Indiana, Louisiana, Kentucky administrative actions and for having his Indiana, Louisiana, and Kentucky licenses revoked.
- (i) Applicant, on June 7, 2021, was denied a license by the Pennsylvania Insurance Department due to his failure to disclose his 2017 terminations for cause on his license application, the recency of his 2018-2019 Consent Orders in Louisiana, Kentucky, and Florida revoking his license, the facts and circumstances giving rise to the Consent Orders and revocations, and the failure to report the administrative actions on his past renewal applications with the Department.

- (j) Applicant failed to report the administrative actions cited in finding 3(f), (g), and (h) to the Pennsylvania Insurance Department within thirty (30) days.
- (k) Applicant electronically initiated an application for a Resident Applicant license on August 16, 2022, wherein, he failed to disclose his administrative action history.

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 paragraphs 3(i) and 3(k) 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(f) through 3(k) 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) through 3(i) 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(f) through 3(k) violate 40 P.S. § 310.11(20).
- (j) Applicant's violations of 40 P.S. § 310.11(1), (2), (8) 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'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.
- (f) At Applicant's own expense, Applicant 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 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.

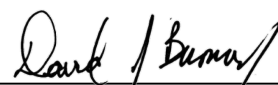
9. Applicant hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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 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:


THOMAS SCOTT PERSING, 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

