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INSURANCE DEPARTMENT

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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
LESLIE DIANE SCOFIELD-HILLIKER	:	40 P.S. §§ 310.11(1), (2), (15), (20)
4161 O'Hare Drive	:	and 310.78(a)
Virginia Beach, VA 23453	:	
	:	
Applicant.	:	Docket No. CO20-03-016

CONSENT ORDER

AND NOW, this 22nd day of June, 2020, 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 she has received proper  
notice of her 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 Insurance Department finds true and correct each of the following

Findings of Fact:

- (a) Applicant is Leslie Diane Scofield-Hilliker and maintains a record of her address with the Pennsylvania Insurance Department as 4161 O'Hare Dr., Virginia Beach, VA 23453.
- (b) Applicant does not possess a non-resident producer license.
- (c) Applicant was previously licensed as a non-resident producer from November 9, 2016, until she voluntarily surrendered her license on July 29, 2019.
- (d) Applicant on September 23, 2005, was convicted of Petit Larceny, a misdemeanor, in the Circuit Court of the City of Chesapeake, Virginia and was sentenced to incarceration for a period of twelve (12) months with eleven (11) months and ten (10) days suspended, credit given for time spent in confinement while awaiting trial, and restitution in the amount of \$470.86.
- (e) Applicant, on April 6, 2011, was convicted of Injuring, etc., any property, monument, etc., a misdemeanor, in the Chesapeake, Virginia General District Court and was sentenced to incarceration for a period of sixty (60) days with all but four (4) hours suspended and restitution in the amount of \$353.13.
- (f) Applicant, on her initial Pennsylvania non-resident producer application on November 9, 2016, failed to disclose the misdemeanor convictions cited in findings 3(d) and 3(e).

- (g) Applicant, on March 6, 2018, entered into a Settlement Order with the Virginia State Corporation Commission and was fined \$5,000.00 for alleged misrepresentation.
- (h) Applicant, on June 6, 2018, was issued a \$250.00 fine by the Louisiana Department of Insurance for failing to disclose her misdemeanor convictions on her initial license application.
- (i) Applicant, on May 29, 2019, entered into a Consent Order with the Georgia Office of Insurance and Safety Fire Commissioner and was fined \$300.00 and placed on twelve (12) months probation for failing to disclose her misdemeanor convictions on her initial license application.
- (j) Applicant failed to report the administrative actions cited in findings 3(g), 3(h), and 3(i) to the Pennsylvania Insurance Department within thirty (30) days.
- (k) Applicant, on July 29, 2019, voluntarily surrendered her Pennsylvania non-resident producer license.
- (l) Applicant, on September 9, 2019, entered into a Consent Order with the Ohio Department of Insurance and was fined \$400.00 for failing to report the administrative actions cited in 3(h) and 3(i) and for answering “no” to the question asking “have you ever been convicted of a misdemeanor, had a judgement withheld or deferred, or are you currently charged with committing

a misdemeanor on her initial application for a non-resident producer license in Ohio.

- (m) Applicant, on November 21, 2019, entered into a Voluntary Settlement Agreement with the North Carolina Department of Insurance and was fined \$250.00 for failing to report the administrative action cited in 3(i).
- (n) Applicant electronically initiated an application to activate her non-resident producer license in Pennsylvania on January 15, 2020, wherein she fully disclosed her criminal history and administrative actions.

#### 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(d) through 3(j), 3(l) and 3(m) violate 40 P.S. § 310.11(2).
- (f) 40 P.S. § 310.11(15) prohibits a licensee or an applicant from committing a misdemeanor that involves the misuse or theft of money or property belonging to another person.
- (g) Applicant's activities described in paragraphs 3(d) and 3(e) violate 40 P.S. § 310.11(15).
- (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(d) through 3(j), 3(l) and 3(m) violate 40 P.S. § 310.11(20).
- (j) 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.

- (k) Applicant's activities described in paragraph 3(j) violate 40 P.S. § 310.78(a).
- (l) Applicant's violations of §§ 310.11(1), (2), (15), (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, 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 Four Hundred Dollars (\$400.00) 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 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'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 three (3) years from the date of this Order.
- (d) Applicant specifically waives her 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.
- (e) At the hearing referred to in paragraph 5(d) of this Order, Applicant shall have the burden of demonstrating that she is worthy of a license.
- (f) In the event Applicant's licenses are suspended pursuant to paragraph 5(c) above, and Applicant either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that she 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 provision 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 that 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.

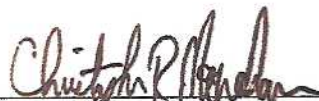
9. Applicant hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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 a duly authorized delegate.

BY:   
\_\_\_\_\_  
LESLIE DIANE SCOFIELD-HILLIKER,  
Applicant

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