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By Admin Hearings, Ins Dept at 1:52 pm, Mar 15, 2022

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
JAMES W. STEVENSON IV	:	40 P.S. § 310.11(2), (4), (6), (7),
5832 Southampton Drive	:	(17) and (20)
Bethel Park, PA 15102	:	
	:	
Respondent	:	Docket No. CO22-01-010
	:	
James Stevenson Insurance Group, LLC	:	
2884 Industrial Boulevard	:	
Suite 9	:	
Bethel Park, PA 15102	:	
	:	
Co-Respondent	:	

CONSENT ORDER

AND NOW, this 15th day of March, 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. Respondents¹ hereby admit and acknowledge that they have received proper notice of their rights to a formal administrative hearing pursuant to the Administrative Agency Law, 2 Pa.C.S. § 101, et seq., or other applicable law.

2. Respondents hereby waive all rights to a formal administrative hearing in this matter, and agree 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.

¹ Hereinafter, Respondent and Co-Respondent will be referred to as "Respondents."

3. Respondents neither admit nor deny the information contained in the Findings of Fact and the violations cited in the Conclusions of Law in this Consent Order.

FINDINGS OF FACT

4. The Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Respondent is James W. Stevenson IV and maintains a record of his address with the Pennsylvania Insurance Department as 5832 Southampton Drive, Bethel Park, PA 15102.
- (b) Respondent is, and at all times relevant hereto has been, a licensed resident producer individual.
- (c) Co-Respondent is James Stevenson Insurance Group, LLC and maintains its address with the Pennsylvania Insurance Department as 2884 Industrial Boulevard, Suite 9, Bethel Park, PA 15102.
- (d) Co-Respondent is, and at all times relevant hereto has been, a licensed resident producer agency.
- (e) Respondents, from November 2009 through October 2016, collected the premium payments for a professional liability policy from a client whose dental practice was located in Akron, OH, and forwarded those payments to the policy's insurer.

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- (f) Respondents, from November 2016 through February 2021, received premium payments totaling \$126,587.90 from the client identified in finding 4(e) and failed to remit those premiums to the insurer.
- (g) Respondents, from November 2016 through February 2021, continued to provide the client identified in finding 4(e) with fraudulent certificates of insurance even though their professional liability policy had been canceled by the insurer for non-payment of the policy's premiums.

CONCLUSIONS OF LAW

5. 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 4(f) and 4(g) violate 40 P.S. § 310.11(2).

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- (d) 40 P.S. § 310.11(4) prohibits producers from improperly withholding, misappropriating, or converting money or property received in the course of doing business.
- (e) Respondent's activities described in paragraph 4(f) constitute improperly withholding, misappropriating, or converting money or property received in the course of doing business, in violation of 40 P.S. § 310.11(4).
- (f) 40 P.S. § 310.11(6) prohibits a licensee or an applicant from committing any unfair insurance practice or fraud.
- (g) Respondent's activities described in paragraphs 4(f) and 4(g) violate 40 P.S. § 310.11(6).
- (h) 40 P.S. § 310.11(7) prohibits a licensee or an applicant from using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of doing business.
- (i) Respondent's activities described in paragraphs 4(f) and 4(g) violate 40 P.S. § 310.11(7).
- (j) 40 P.S. § 310.11(17) prohibits a licensee or an applicant from committing fraud, forgery, dishonest acts or an act involving a breach of fiduciary duty.

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- (k) Respondent's activities described in paragraphs 4(f) and 4(g) violate 40 P.S. § 310.11(17).

- (l) 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.

- (m) Respondent's activities described in paragraphs 4(f) and 4(g) violate 40 P.S. § 310.11(20).

- (n) Respondent's violations of 40 P.S. § 310.11(2), (4), (6), (7), (17) 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

6. In accord with the above Findings of Fact and Conclusions of Law, the Insurance Department orders and Respondent consents to the following:

¹ Hereinafter, Respondent and Co-Respondent will be referred to as "Respondents."

- (a) Respondent shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.
- (b) All licenses of Respondent to do the business of insurance are hereby revoked.
- (c) If Respondent should ever become licensed in the future, his 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 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 ten (10) years from the date of issuance of such licenses.
- (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 6(d) of this Order, Respondent shall have the burden of demonstrating that he is worthy of an insurance license.

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(f) In the event Respondent's licenses are suspended pursuant to paragraph 6(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.

7. 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.

8. 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.

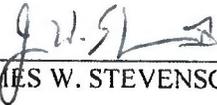
9. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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

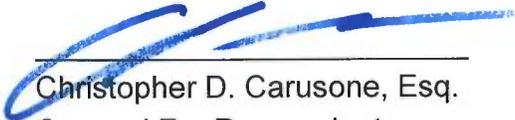
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11. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

12. 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: 

JAMES W. STEVENSON IV, Respondent



Christopher D. Carusone, Esq.
Counsel For Respondents



JAMES STEVENSON INSURANCE GROUP LLC, Co-Respondent



COMMONWEALTH OF PENNSYLVANIA
By: DAVID J. BUONO JR.
Acting Deputy Insurance Commissioner

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