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By Admin Hearings, Ins Dept at 11:39 am, Dec 13, 2023

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
WILLIAM JOSEPH TRIVILINO	:	40 P.S. §§ 310.3, 310.11(3), (7),
608 Calder Avenue	:	(9), (10), (17) and (20)
Monaca, PA 15061	:	
	:	
	:	
	:	
	:	
Respondent.	:	Docket No. CO23-11-025

CONSENT ORDER

AND NOW, this 13th day of December, 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. Respondent 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. Respondent 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) Respondent is William Joseph Trivilino and maintains a record of his address with the Pennsylvania Insurance Department as 608 Calder Avenue, Monaca, PA 15061.
- (b) Respondent, since July 31, 2023, has been a licensed Resident Producer.
- (c) Respondent, during the months of June and July of 2023, sold, solicited, and negotiated insurance policy applications without an insurance license.
- (d) Respondent was provided a co-worker's licensing credentials by his employer, Final Phorm, to conduct the unlicensed activity identified in finding 3(c).
- (e) Respondent used the licensing credentials identified in finding 3(d) to sign completed applications on behalf of the licensed co-worker.
- (f) Respondent, on July 22, 2023, while completing his virtual license exam, received assistance from another licensed co-worker, at the direction of agency leadership.

- (g) Respondent received the correct answers to questions on his virtual license exam from the co-worker identified in finding 3(f).

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) Respondent is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 40 P.S. § 310.3(a) prohibits a person from acting as a producer unless the person is licensed as an insurance producer for the line of authority under which the contract is issued.
- (c) Respondent's activities described in paragraphs 3(c) through 3(e) constitute acting as an insurance producer without a certificate of qualification, in violation of 40 P.S. § 310.3(a).
- (d) 40 P.S. § 310.11(3) prohibits a licensee or an applicant from obtaining or attempting to obtain a license through misrepresentation or fraud.
- (e) Respondent's activities described in paragraphs 3(f) and 3(g) violate 40 P.S. § 310.11(3).
- (f) 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.

- (g) Respondent's activities described in paragraphs 3(c) through 3(g) violate 40 P.S. § 310.11(7).
- (h) 40 P.S. § 310.11(9) prohibits a licensee or an applicant from forging another person's name on an insurance application or any document related to an insurance or financial service transaction.
- (i) Respondent's activities described in paragraph 3(e) violate 40 P.S. § 310.11(9).
- (j) 40 P.S. § 310.11(10) prohibits a licensee or an applicant from cheating on an examination for an insurance producer license.
- (k) Respondent's activities described in paragraphs 3(f) and 3(g) violate 40 P.S. § 310.11(10).
- (l) 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.
- (m) Respondent's activities described in paragraphs 3(c) through 3(g) violate 40 P.S. § 310.11(17).

- (n) 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.
- (o) Respondent's activities described in paragraphs 3(c) through 3(g) violate 40 P.S. § 310.11(20).
- (p) Respondent's violations of 40 P.S. §§ 310.3, 310.11(3), (7), (9), (10), (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

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

- (a) Respondent shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.

- (b) Respondent shall immediately surrender all licenses to conduct the business of insurance within the Commonwealth of Pennsylvania as of the date of this Consent Order.
- (c) Respondent shall assist to the best of his ability the Pennsylvania Insurance Department in conducting investigations and prosecution of any licensed or unlicensed entity performing the business of insurance including, but not limited to, any public adjuster, insurance producer, company, etc., their employees and officers, including but not limited to testifying as a witness relative to any of the aforesaid entities, their employees and officers in any civil or administrative action involving same.

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, 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.

9. Respondent 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: William Joseph Trivilino
WILLIAM JOSEPH TRIVILINO, Respondent


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

