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BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE:

KEITH A. WINTEROWD  
9706 S Buckner Tarsney Road  
Grain Valley, MO 64209-9154

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VIOLATIONS:

40 P.S. §§ 310.6(a)(6), 310.11(1),  
(2), (3), (20) and 310.78(a)

Respondent.

Docket No. CO21-06-017

CONSENT ORDER

AND NOW, this 30th day of June, 2021, 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. 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 Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Respondent is Keith A. Winterowd and maintains a record of his address with the Pennsylvania Insurance Department as 9706 S Buckner Tarsney Road, Grain Valley, MO 64209-9154.
- (b) Respondent, since November 5, 2020, has been licensed as a Non-Resident Producer.
- (c) Respondent, on May 8, 2012, was charged in the District Court of Anderson County, KS, with one (1) count of Possession of Marijuana and one (1) count of Possession of Drug Paraphernalia, both Misdemeanors; and one (1) count of Driving Without Head Lamps, a Summary.
- (d) Respondent, on May 10, 2012, in the Fourth Judicial District Court, Anderson County, KS, pleaded Nolo Contendere to the charges referenced in finding 3(c) and was found guilty by the Court of one (1) count of Possession of Marijuana, a Misdemeanor.
- (e) Respondent, on January 24, 2016, was charged by the Missouri State Highway Patrol (Lafayette, MO) with one (1) count DWI-Alcohol, one (1) count Possession of up to 35 grams of Marijuana, and one (1) count

Exceeded Posted Speed Limit (exceeded by 26 miles per hour or more),  
all Misdemeanors.

- (f) Respondent, on August 17, 2016, in the 15th Judicial Circuit Court, Lafayette County, MO, pleaded guilty to one (1) count of Possession of up to 35 grams of Marijuana and DWI – Alcohol, both Misdemeanors.
- (g) Respondent, on August 10, 2020, submitted his initial Pennsylvania license application and incorrectly answered "No" to the question "[h]ave you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?"
- (h) Respondent, on November 5, 2020, was issued an administrative action by the Louisiana Department of Insurance and was fined \$250.00 for failing to disclose his 2016 criminal conviction on his August 10, 2020 license application.
- (i) Respondent failed to notify the Department of the action identified in finding 3(h) within 30 days.
- (j) Respondent, between January 24 – May 6, 2021, timely reported the following actions:
  - On January 4, 2021, he was issued an administrative action by the Indiana Department of Insurance and was fined \$500.00 for failing to disclose his 2012 and 2016 criminal convictions on his August 10, 2020 license application.

- On May 5, 2021, he executed a Consent Order with the North Carolina Department of Insurance and was fined \$250.00 for failing to disclose his 2016 criminal conviction on his August 13, 2020 license application.
- On May 6, 2021, he executed a Consent Order with the Illinois Department of Insurance, was fined \$500.00 and placed on two (2) years under probation, for failing to disclose his 2012 and 2016 criminal convictions on his August 10, 2020 license application.

- (k) Respondent admitted during his Departmental interview that he failed to disclose his 2012 criminal conviction and he failed to disclose his 2016 criminal conviction because he believed after he completed his sentencing requirements his conviction was expunged.

#### 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. §310.6(a)(6), states that the Department shall issue a producer license, provided the applicant possesses the general fitness, competence and reliability sufficient to satisfy the Department that the applicant is worthy of a license.
- (c) Respondent's activities described in paragraphs 3(d), 3(f) and 3(g) would disqualify the Applicant from licensure pursuant to 40 P.S. §310.6(a)(6).
- (d) 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.
- (e) Respondent's activities described in paragraph 3(g) violate 40 P.S. § 310.11(1).
- (f) 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.
- (g) Respondent's activities described above in paragraphs 3(g) through 3(k) violate 40 P.S. § 310.11(2).
- (h) 40 P.S. § 310.11(3) prohibits a licensee or an applicant from obtaining or attempting to obtain a license through misrepresentation or fraud.

- (i) Respondent's activities described in paragraph 3(g) violate 40 P.S. § 310.11(3).
- (j) 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.
- (k) Respondent's activities described in paragraphs 3(c) through 3(k) violate 40 P.S. § 310.11(20).
- (l) 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.
- (m) Respondent's activities described in paragraph 3(i) violate 40 P.S. § 310.78(a).
- (n) Respondent's violations of 40 P.S. §§ 310.6(a)(6), 310.11(1), (2), (3), (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, 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 pay a civil penalty of five hundred dollars (\$500.00) 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 the Pennsylvania Insurance Department, 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) Respondent'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 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 five (5) years from the date of this Order.
- (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 5(d) of this Order, Respondent shall have the burden of demonstrating that he is worthy of a license.
- (f) In the event Respondent's licenses are suspended pursuant to paragraph 5(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.

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: Keith Winterowd  
KEITH A. WINTEROWD, Respondent

Christopher R. Monahan  
COMMONWEALTH OF PENNSYLVANIA  
By: CHRISTOPHER R. MONAHAN  
Deputy Insurance Commissioner