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AGENCY HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
KEYNAN A. KINARD	:	40 P.S. §§310.11(5), (7), (9), (17)
921 Samoset Drive	:	and (20)
Harrisburg, PA 17109	:	
	:	
Respondent.	:	Docket No. CO15-07-017

CONSENT ORDER

AND NOW, this 3<sup>rd</sup> day of August, 2015, 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 Insurance Department finds true and correct each of the following

Findings of Fact:

- (a) Respondent is Keynan A. Kinard, and maintains his address at 921 Samoset Drive, Harrisburg, PA 17109.
- (b) Respondent is, and at all times relevant hereto has been a licensed Pennsylvania resident insurance producer.
- (c) Between September 2013 and April 2014, Respondent submitted approximately thirty two (32) applications for life insurance to three (3) life insurance companies.
- (d) Approximately twenty nine (29) of the applications submitted by the Respondent contained incorrect personal identifying information or erroneous bank account information and approximately fifteen (15) applications were submitted on behalf of the same purported policyholder to different life insurance companies.
- (e) Respondent acknowledged to the Pennsylvania Insurance Department he signed the name of the purported policyholders on life insurance policy

applications and used personal identifying information of individuals on life insurance policy applications without their knowledge and consent.

- (f) Respondent acknowledged to the Pennsylvania Insurance Department that he had friends sign life insurance policy applications containing erroneous information and complete interviews with insurance company representatives.
- (g) Respondent acknowledged to the Pennsylvania Insurance Department that he represented himself as life insurance applicants in interviews with representatives from insurance companies to review the applications.
- (h) Respondent acknowledged to the Pennsylvania Insurance Department he engaged in the aforementioned activities in order to receive advance commissions from insurance companies.
- (i) Respondent received a net gain of \$7,771.65 in commissions after chargebacks for submitting the aforementioned life insurance applications.

## 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. §310.11(5) prohibits a licensee or an applicant from intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.
- (c) Respondent's activities described above in paragraphs 3(d) through 3(g) violate 40 P.S. §310.11(5).
- (d) 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.
- (e) Respondent's activities described above in paragraphs 3(d) through 3(i) violate 40 P.S. §310.11(7).

- (f) 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.
- (g) Respondent's activities described above in paragraph 3(e) violate 40 P.S. §310.11(9).
- (h) 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.
- (i) Respondent's activities described above in paragraphs 3(d) through 3(i) violate 40 P.S. §310.11(17).
- (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 above in paragraphs 3(d) through 3(i) violate 40 P.S. §310.11(20).
- (l) Respondent's violations of Sections 310.11(5), (7), (9), (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) All licenses of Respondent to do the business of insurance are hereby 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.

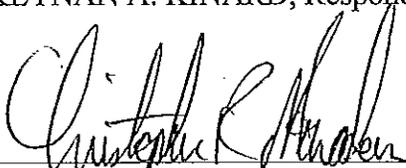
8. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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 a duly authorized delegee.

BY:   
KEYNAN A. KINARD, Respondent

  
COMMONWEALTH OF PENNSYLVANIA  
By: CHRISTOPHER R. MONAHAN  
Acting 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 3<sup>rd</sup> day of June, 2015, Christopher R. Monahan,

Acting 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.



Teresa D. Miller  
Insurance Commissioner

