

RECEIVED
INSURANCE DEPARTMENT

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA
ADMIN HEARINGS OFFICE

IN RE:	:	VIOLATIONS:
	:	
TRAVIS WAYNE WINGROVE	:	40 P.S. §§310.11(4), (5), (7), (19)
11 2nd Avenue	:	and (20)
Dunbar, PA 15431	:	
	:	
Respondent.	:	Docket No. CO16-04-016

CONSENT ORDER

AND NOW, this 8th day of June, 2016, 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 Travis Wayne Wingrove and maintains his address at 11 2nd Avenue, Dunbar, PA 15431.

- (b) Respondent is, and at all times relevant hereto has been, a licensed resident producer.

- (c) Between 2013 and 2015, Respondent, a captive producer for State Farm Insurance Company, misappropriated money, received cash payments from insureds that were not ultimately applied to the insureds' insurance policies and made unauthorized disbursements from insureds' life insurance policies without their knowledge or consent.

- (d) State Farm Insurance Company reviewed seven receipts for premiums from various insureds that they received from Respondent which were not entered by Respondent into the company's payment system. State Farm Insurance Company made restitution to the insureds' policies that totaled \$3,294.77.

- (e) Policyholder A met with Respondent at Respondent's agency for a loan of \$200 from his life insurance policy, however, Respondent made a disbursement of \$2,000 from Policyholder A's policy.
- (f) Policyholder A stated Respondent acknowledged the error and instructed Policyholder A to cash the disbursement check and keep the \$200 while the Respondent would reapply the \$1,800 to Policyholder A's life insurance policy cash value.
- (g) State Farm Insurance Company verified that the \$1,800 was never reapplied to Policyholder A's life insurance policy cash value.
- (h) On or about September 9, 2014, Policyholder B reported to State Farm Insurance Company that \$1,660.87 was taken from the cash value of his life insurance policy, without his knowledge or consent, and transferred to the life insurance policy owned by his uncle, Policyholder A.
- (i) State Farm Insurance Company affirmed the transactions to Policyholder A's and B's policies were made under Respondent's authorization and made restitution to Policyholder B's policy for \$1,660.87.
- (j) Policyholder C paid \$788.80 to Respondent on or about March 17, 2015, for his automobile insurance policy.

- (k) Respondent failed to remit the \$788.80 obtained on or about March 17, 2015, but instead obtained \$800.00 on March 26, 2015 from Policyholder C's life insurance policy without the policyholder's knowledge or consent and then remitted \$788.80 to State Farm Insurance Company.
- (l) State Farm Insurance Company restored \$800.00 to Policyholder C's life insurance policy and honored his payment of \$788.80 against the automobile policy.
- (m) On January 27, 2015, Policyholder D paid \$751.69 via bank check to Respondent for his life insurance policy.
- (n) On January 30, 2015, Policyholder D's check was deposited against the life insurance policy of Policyholder E.
- (o) State Farm Insurance Company reviewed Respondent's transactions for Policyholder D and E and verified that on January 27, 2015, Respondent deducted \$751.69 from the life policy of Policyholder D's spouse to make up the shortfall.
- (p) State Farm Insurance Company honored Policyholder D's payment of \$751.69 and made restitution to the policy of Policyholder D's spouse.

- (q) State Farm Insurance Company reviewed two (2) checks, totaling \$7,934.16, written from the account of the agency that employed the Respondent, and which were endorsed over to the Respondent by himself on February 2, 2015 and March 15, 2016, respectively.
- (r) Both checks were written to the order of an agency client from Connellsville, Pennsylvania, under the signature of the agency manager.
- (s) On March 15, 2016, the agency client from Connellsville was interviewed and stated he never received the proceeds of the two (2) aforementioned checks.
- (t) On December 3, 2015, and April 6, 2016, Respondent was interviewed and denied the allegations, stating he did not receive any of the premiums from insureds that were misappropriated.
- (u) On or about October 8, 2014, Respondent misrepresented to Policyholder E that a loan taken from the cash value of her life insurance policy was actually a dividend payment and not subject to a loss of interest, resulting in State Farm Insurance Company making restitution of \$57.23 in interest to her insurance policy.

- (v) Respondent verified during the interview on December 3, 2015, that his mailing and residence addresses in the Producer Licensing database was no longer current.
- (w) During the interview on April 6, 2016, Respondent affirmed that he had not updated his mailing and residence address in the Producer Licensing database.
- (x) State Farm Insurance Company verified that the insureds' policies, identified in paragraphs 3(e) through 3(u) were made whole, totaling \$14,637.85.

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(4) prohibits producers from improperly withholding, misappropriating, or converting money or property received in the course of doing business.

- (c) Respondent's activities described above in paragraphs 3(c) through 3(r) 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).
- (d) 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.
- (e) Respondent's activities described above in paragraphs 3(c) through 3(s) violate 40 P.S. §310.11(5).
- (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 above in paragraphs 3(c) through 3(v) violate 40 P.S. §310.11(7).
- (h) 40 P.S. §310.11(19) prohibits a licensee or an applicant from failing to notify the Department of a change of address within 30 days.

- (i) Respondent's activities described above in paragraph 3(v) violate 40 P.S. §310.11(19).

- (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(c) through 3(v) violate 40 P.S. §310.11(20).

- (l) Respondent's violations of Sections 310.11(4), (5), (7), (19) 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.
- (c) Respondent shall make restitution to such persons the Deputy Commissioner identifies and determines that restitution is owed to them by Respondent. Proof of restitution payment shall be provided to the Insurance Department by Respondent within six (6) months from the date such determination is made by the Deputy Commissioner.
- (d) 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 five (5) years from the date of issuance of such licenses.

- (e) 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.
- (f) At the hearing referred to in paragraph 5(f) of this Order, Respondent shall have the burden of demonstrating that he is worthy of an insurance license.
- (g) In the event Respondent's licenses are suspended pursuant to paragraph 5(e) 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 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.

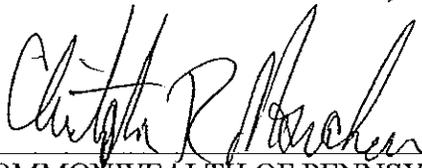
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

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:



TRAVIS WAYNE WINGROVE, Respondent

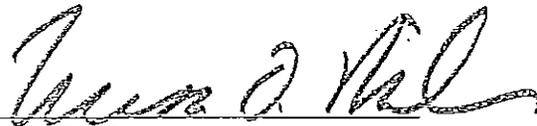


COMMONWEALTH OF PENNSYLVANIA
By: CHRISTOPHER R. MONAHAN
Deputy Insurance Commissioner

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 13th day of November, 2015, Christopher R. Monahan,
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

