

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

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INSURANCE DEPARTMENT
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STANDARD OFFICE

In Re: Carol A. Geiter
742 Lehigh Avenue
Lancaster, PA 17602-2416

: Violations:
:
: Sections 606-A and 641-A of the Producer
: Licensing Modernization Act (40 P.S.
: §§310.6(a) and 310.41).
:

Docket No. 2005-03-026

Respondent

CONSENT ORDER

AND NOW, this *24* day of *March*, 2005, this Order is hereby issued by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania pursuant to the statutes cited above and in disposition of the matter captioned above.

1. Carol Geiter (hereinafter referred to as Respondent) hereby admits and acknowledges that she has received proper notice of her 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 Deputy Insurance Commissioner finds true and correct each of the following Findings of Fact:

- (a) Respondent, maintains her address at 742 Lehigh Avenue, Lancaster, Pennsylvania 17602-2416.
- (b) At all times relevant to this matter, Respondent did not maintain an active resident agent license.
- (c) Respondent is currently employed with IBSI, LLC as a sales associate.
- (d) Respondent acknowledges that the activities with which she has been engaged in as a sales associate for IBSI, LLC are of the type that require licensure by the Pennsylvania Insurance Department.

CONCLUSIONS OF LAW

4. In accord with the above Findings of Fact and applicable provisions of law, the Deputy Insurance Commissioner concludes and finds the following Conclusions of Law:

- (a) Respondent is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) Section 606-A of the Insurance Department Act (40 P.S. §310.6(a)) provides that the Insurance Department shall grant a certificate of qualification when satisfied the applicant is worthy of a certificate of

qualification.

- (c) Section 641-A of the Insurance Department Act (40 P.S. §310.41) provides that no person shall act and perform the duties of an insurance producer in this Commonwealth without being licensed in accordance with this Act.
- (d) Applicant's failure to obtain a valid license from the Pennsylvania Insurance Department in order to engage in the business of insurance reflects on her worthiness to transact the business of insurance under Section 606-A of the Insurance Department Act (40 P.S. §310.6(a)).
- (e) Applicants violations of 606-A and 641-A of the Insurance Department Act (40 P.S. §310.6(a) and 310.41) are punishable under Section 691-A of the Insurance Department Act (40 P.S. §310.91) by the following:
 - i. suspension, revocation or refusal to issue the certificate of qualification or license;
 - ii. imposition of a civil penalty not to exceed \$5,000 (five thousand dollars) 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. Accordingly, the Deputy Insurance Commissioner orders and applicant consents to the following:

- (a) Respondent shall cease and desist from engaging in the activities described herein and the Findings of Fact and Conclusion of Law.
- (b) Respondent shall comply with the Pennsylvania Insurance Laws and regulations.
- (c) Respondent agrees to supervision for a period of five years.
- (d) Respondent's certificates and licenses shall be immediately suspended by the Department following its investigation and determination that any terms of this order have not been complied with, or any complaint against Respondent represents a statute or regulation has been violated. The Department's right to act under this section has been limited to a period of five years from the date of this Order.
- (e) Respondent specifically waives the right to prior notice of said suspension, but will be entitled to 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.

6. At the hearing reference to paragraph 5(e) above, Respondent shall have the burden of demonstrating that she is worthy of a license. In the event the Respondent's certificate and licenses are suspended pursuant to paragraph 5(d) above, and Respondent either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that she is worthy of a license, Respondent's suspended certificate and licenses shall be revoked.

7. In the event the Deputy Insurance Commissioner 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 administration 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 and any other court of law or equity having jurisdiction.

8. Alternatively, in the event the Deputy Insurance Commissioner finds that there has been a breach of any of the provisions of this Order, the Deputy Insurance Commissioner may declare this Order to be null and void. There upon, the Deputy Insurance Commissioner may reopen the entire matter for appropriate action pursuant to the administrative agency law, supra, or other relative 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.

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 parties hereto.

12. This Order shall be final upon execution by the Deputy Insurance Commissioner. Only the Insurance Commissioner or her duly authorized Deputy Insurance Commissioner is authorized to bind the Insurance Department with respect to the settlement of the alleged violation of law contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or her duly authorized Deputy Insurance Commissioner.



Carol Geiter
Respondent



Randolph L. Rohrbaugh
Deputy Insurance Commissioner
Commonwealth of Pennsylvania