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By Admin Hearings, Ins Dept at 11:49 am, Jun 06, 2024

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
Timothy J. King	:	40 P.S. §§ 310.3, 310.11(2), (11)
500 Buttonwood Street	:	and (20)
Reading, PA 19601	:	
	:	
and	:	
	:	
Duong T. King	:	
500 Buttonwood Street	:	
Reading, PA 19601	:	
	:	
	:	
	:	
	:	
Respondents.	:	Docket No. CO24-05-037

CONSENT ORDER

AND NOW, this 6th day of June, 2024, 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. Respondents hereby admit and acknowledge that they have received proper notice of their rights to a formal administrative hearing pursuant to the Administrative Agency Law, 2 Pa.C.S. §§ 101, et seq., or other applicable law.

2. Respondents hereby waive all rights to a formal administrative hearing in this matter, and agree 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.

3. Respondents hereby agree that entering into this Consent Order will resolve all matters listed within the March 21, 2024, Suspension of Licenses letters issued to T. King, D. King, and Adoniram Insurance Agency, Inc.

4. Respondent neither admits nor denies the information contained in the Findings of Fact and the violations cited in the Conclusions of Law in this Consent Order, nor liability thereto.

FINDINGS OF FACT

5. The Pennsylvania Insurance Department (“Department”) finds true and correct each of the following Findings of Fact:

- (a) Respondent is Timothy J. King and maintains a record of his address with the Pennsylvania Insurance Department as 500 Buttonwood Street, Reading, PA 19601.
- (b) Respondent T. King is, and at all times relevant hereto has been, a licensed Resident Producer Individual.
- (c) Co-Respondent is Duong T. King and maintains a record of her address with the Pennsylvania Insurance Department as 500 Buttonwood Street, Reading, PA 19601.

- (d) Co-Respondent D. King is, and at all times relevant hereto has been, a licensed Resident Producer Individual.
- (e) On August 10, 2022, Respondent T. King entered into a consent order with Florida Insurance Department and failed to notify the Pennsylvania Insurance Department within 30 days of the out of state administrative action.
- (f) Both Respondents, on November 15, 2022, allowed an unlicensed employee to sell an auto policy through Dairyland Insurance.
- (g) Both Respondents, on January 9, 2024, allowed an unlicensed employee to solicit an auto insurance policy to an employee of the Insurance Department of Insurance.
- (h) Both Respondents, on January 18, 2024, allowed an unlicensed employee to sell an auto policy through The General Insurance.

CONCLUSIONS OF LAW

6. 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) Both Respondents are 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) Both Respondents' activities described in paragraphs 3(e) through 3(g) 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(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.
- (e) Respondents' activities described above in paragraphs 3(e) through 3(g) violate 40 P.S. § 310.11(2).
- (f) 40 P.S. § 310.78(a) requires a licensee report to the department any administrative action taken against the licensee in another jurisdiction or by another governmental agency in this Commonwealth within 30 days of the final disposition of the matter.
- (g) 40 P.S. § 310.11(11) prohibits a licensee or an applicant from knowingly accepting insurance business which was sold, solicited or negotiated by a person who is not licensed as an insurance producer.
- (h) Respondents' activities described in paragraphs 3(e) through 3(g) violate 40 P.S. § 310.11(11).

- (i) 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.
- (j) Respondents' activities described in paragraphs 3(e) through 3(g) violate 40 P.S. § 310.11(20).
- (k) Respondents' violations of 40 P.S. §§ 310.3, 310.11(2), (11) 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

7. In accord with the above Findings of Fact and Conclusions of Law, the Insurance Department orders and both Respondents consent to the following:

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

- (b) The Department Shall issue a letter withdrawing the March 21, 2024, Suspension of Licenses letters issued to T. King, D. King, and Adoniram Insurance Agency, Inc., within five days of the signing of this agreement.
- (c) Both Respondents shall withdraw the hearing requests issued by T. King, D. King, and Adoniram Insurance Agency, Inc., which were filed as a response to the March 21, 2024 Suspension of Licenses letter within five days of the signing of this agreement.
- (d) The Department shall close any current pending investigations into Adoniram Insurance Agency Inc., and Amana Insurance Agency upon the signing of this agreement.
- (e) All individual licenses of each Respondent to engage in the business of insurance are hereby suspended for a period of 6 (six) months to run non-concurrently. Respondent T King's suspension will be effective June 4, 2024 and end effective December 4, 2024. Co-Respondent D. King's suspension will be effective December 4, 2024 and end six months from that date. At the conclusion of their respective suspension periods, each Respondents must request their license to be reinstated by use of an application and license fee.
- (f) Either or both Respondents' 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 either or both Respondents 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 three (3) years from the date of this Order.

- (g) Both Respondents specifically waives their 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 the appropriate 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 either Respondents' written request.

- (h) At the hearing referred to in paragraph 5(d) of this Order, each Respondent shall have the burden of demonstrating that they are worthy of a license.

- (i) In the event either Respondent's licenses are suspended pursuant to paragraph 5(c) above, and either Respondent either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that they are worthy of a license, that Respondent's suspended licenses shall be revoked.

8. 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.

9. 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.

10. In any such enforcement proceeding, either or both Respondents 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.


11. Both Respondents hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

12. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and there are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement. This Order may not be amended or modified except by an amended order signed by all the parties hereto.

13. 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:



TIMOTHY J. KING, Respondent



DUONG T. KING, 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 __25th __ day of __April ____, 2024, 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
Insurance Commissioner