STATE OF NORTH DAKOTA

BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	**CONSENT ORDER**
Peter Lefkowitz,	)	
NPN 6055109,	)	**CASE NO. AG-16-663**
	)	
Respondent.	)	

TO: Peter Lefkowitz, Onecap Services, LLC, 77 Spruce Street, Suite 203, Cedarhurst, NY 11516

Insurance Commissioner Adam Hamm ("Commissioner") has determined as follows:

1. As a result of information obtained by the North Dakota Insurance Department ("Department") regarding the conduct of Peter Lefkowitz, NPN 6055109 ("Respondent"), the Commissioner has considered scheduling a formal hearing to determine whether Respondent's conduct as alleged constitutes a basis for imposition of a civil penalty or any other action the Commissioner deems necessary. As more fully described below, Respondent's conduct is alleged to be in violation of N.D.C.C. § 26.1-26-45.1(1).

2. N.D.C.C. § 26.1-26-42 states, in part:

> **26.1-26-42. License suspension, revocation, or refusal - Grounds.** The commissioner may suspend, revoke, place on probation, or refuse to continue or refuse to issue any license issued under this chapter if, after notice to the licensee and hearing, the commissioner finds as to the licensee any of the following conditions:

1. A materially untrue statement in the license application.

3. N.D.C.C. § 26.1-26-45.1 states, in part:

26.1-26-45.1. Reporting of actions.

1. An insurance producer shall report to the commissioner any administrative action taken against the insurance producer's license in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report must include a copy of the order, consent to order, or other relevant legal documents.

4. On or about June 7, 2016, Respondent submitted an application to renew his nonresident insurance producer license in North Dakota. Respondent answered "yes" to background question two relating to being involved in any administrative actions and provided information relating to various administrative actions that were reported to the Department on or about May 18, 2015.

5. A background investigation revealed that on or about May 8, 2014, New York fined Respondent $10,500 for a surplus lines violation. The New York administrative action should have been disclosed on Respondent's renewal application *dated June 12*, 2014, and it was not. The New York administrative action was not reported to the Department until May 18, 2015. Respondent's failure to disclose an administrative action on a license application is a violation of N.D.C.C. § 26.1-26-42(1).

6. A background investigation revealed that on or about August 20, 2014, Louisiana fined Respondent $250 for failing to report another state's action. The Louisiana administrative action should have been reported to the Department by September 20, 2014, and it was not reported until May 18, 2015. Respondent's failure

to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

7. A background investigation revealed that on or about September 9, 2014, Delaware fine Respondent $500 for failing to report an administrative action taken by another jurisdiction. The Delaware administrative action should have been reported to the Department by October 9, 2014, and it was not reported until May 18, 2015. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

8. A background investigation revealed that on or about October 22, 2014, Ohio fined Respondent $500 for failing to timely report another state's action. The Ohio administrative action should have been reported to the Department by November 22, 2014, and it was not reported until May 18, 2015. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

9. A background investigation revealed that on or about December 8, 2014, Maine fined Respondent $75 for failing to timely report another state's action. The Maine administrative action should have been reported to the Department by January 8, 2015, and it was not reported until May 18, 2015. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

10. Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-42(1) and 26.1-26-45.1(1).

11. Respondent acknowledges that at the time of signing the Consent to Entry of Order, he was aware of or had been advised of the right to a hearing in this matter, to consult an attorney, to present argument to the Commissioner, to appeal from any adverse determination after a hearing, and Respondent expressly waives those rights.

12. Respondent has agreed to informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

13. For purposes of resolving this matter without further administrative proceedings, Respondent has agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to pay a fine in the amount of $600 payable by money order, cashier's check, or credit card to the North Dakota Insurance Department within 20 days of the effective date of this Order.

2. The use of this Consent Order for competitive purposes by an insurance agent or agency holding a license in the State of North Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority.

DATED at Bismarck, North Dakota, this 8th day of September, 2016.

Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Peter Lefkowitz**, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has been advised of the right to a hearing in this matter, the right to be represented by legal counsel, the right to present evidence and arguments to the Commissioner, and the right to appeal from an adverse determination after hearing; and that by the signing of

this Consent to Entry of Order he waives those rights in their entirety, and consents to entry of this Order by the Commissioner. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either expressed or implied.

DATED this 29th day of August, 2016.

Peter Lefkowitz

County of New York
State of New York

Subscribed and sworn to before me this 29th day of August, 2016.

Notary Public

My commission expires:

NEAL HABER
Notary Public, State of New York
No. 4780422
Qualified in Westchester County
Commission Expires June 30, 2019