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BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:

MELISA AYKUL
3111 Banksville Rd., Suite 217
Pittsburgh, PA 15216

VIOLATIONS:

40 P.S. §§ 310.6(a)(6), 310.11(20)
and 310.78(b)

Applicant.

Docket No. CO24-07-002

CONSENT ORDER

AND NOW, this 29th day of July, 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. Applicant 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. Applicant 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 Pennsylvania Insurance Department (“Department”) finds true and correct each of the following Findings of Fact:

- (a) Applicant is Melisa Aykul and maintains a record of her address with the Pennsylvania Insurance Department as 3111 Banksville Rd., Suite 217, Pittsburgh, PA 15216.
- (b) Applicant is, and at all times relevant hereto has been, a licensed Resident Producer Individual.
- (c) Applicant, on February 13, 2023, was charged with Burglary, a felony, and Simple Assault, a misdemeanor, by the South Fayette Township, Pennsylvania Police Department.
- (d) Applicant, on February 13, 2023, was charged with two (2) counts of Criminal Mischief, and Loitering and Prowling at Nighttime, all misdemeanors, by South Fayette Township, Pennsylvania Police Department.
- (e) Applicant, on March 2, 2023, was charged with Stalking and Loitering and Prowling at Nighttime, both misdemeanors, by the South Fayette Township, Pennsylvania Police Department.

- (f) Applicant failed to notify the Department of the criminal charges identified in findings 3(c) through 3(e) within thirty (30) days.
- (g) Applicant was issued a warning letter by the Department on March 17, 2023 for failing to report the charges identified in findings 3(c) and 3(d) within thirty (30) days, and informing her of the need to report criminal charges and the final disposition of those charges within thirty (30) days.
- (h) Applicant, on May 15, 2023, had her charges identified in finding 3(e) withdrawn.
- (i) Applicant was issued a warning letter by the Department on June 22, 2023 for failing to notify the Department of changes to her contact information within thirty (30) days.
- (j) Applicant, on August 23, 2023, was charged with Stalking, a misdemeanor, by the South Fayette Township, Pennsylvania Police Department.
- (k) Applicant, on November 15, 2023, was convicted of Defiant Trespass Actual Communication and Simple Assault, both misdemeanors, in the Court of Common Pleas of Allegheny County, Pennsylvania and was sentenced to one (1) year under the supervision of probation as a result of the charges identified in finding 3(c).

- (l) Applicant, on November 15, 2023, was convicted of two (2) counts of Criminal Mischief-Another Pecuniary Loss, both misdemeanors, in the Court of Common Pleas of Allegheny County, Pennsylvania and was sentenced to one (1) year under the supervision of probation and restitution in the amount of \$1,188.92 as a result of the charges identified in finding 3(d).
- (m) Applicant, on December 11, 2023, had her charges identified in finding 3(j) withdrawn.
- (n) Applicant failed to notify the Department of the final disposition of her criminal charges identified in findings 3(c) through 3(e), and 3(j) within thirty (30) days.
- (o) Applicant is currently on probation with an anticipated completion date of November 15, 2024.
- (p) Applicant electronically initiated an application to add a qualification to her Resident Producer Individual license on February 20, 2024, wherein she disclosed her criminal history.

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) Applicant is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 40 P.S. §310.6(a)(6) states that the Department shall issue a producer license, provided the applicant possesses the general fitness, competence and reliability sufficient to satisfy the Department that the applicant is worthy of a license.
- (c) Applicant's activities described in paragraphs 3(c) through 3(o) could disqualify the Applicant from licensure pursuant to 40 P.S. §310.6(a)(6).
- (d) 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.
- (e) Applicant's activities described in paragraphs 3(c) through 3(o) violate 40 P.S. § 310.11(20).
- (f) 40 P.S. § 310.78(b) requires that within 30 days of being charged with criminal conduct, a licensee shall report the charges to the Department. Additionally, the licensee shall provide the Department with the following within 30 days of their availability to the licensee:
 - (1) a copy of the criminal complaint, information or indictment.

- (2) a copy of the order resulting from any pretrial hearing.
- (3) a report of the final disposition of the charges.

- (g) Applicant's activities described in paragraphs 3(f) and 3(n) violate 40 P.S. § 310.78(b).

- (h) Applicant's violations of 40 P.S. §§ 310.6(a)(6), 310.11(20) and 310.78(b) 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, and as a condition of licensure, the Insurance Department orders and Applicant consents to the following:

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

- (b) Applicant shall pay a civil penalty of two hundred fifty dollars (\$250.00) to the Commonwealth of Pennsylvania and payment must be made electronically no later than fourteen (14) days from the date of final execution of this Consent Order. Specific payment instructions will be supplied by the Department to the Respondent with the final executed copy of this Consent Order.
- (c) Applicant's 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 Applicant 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.
- (d) Applicant specifically waives her 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 Applicant 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 Applicant's written request.
- (e) At the hearing referred to in paragraph 5(d) of this Order, Applicant shall have the burden of demonstrating that she is worthy of a license.

- (f) In the event Applicant's licenses are suspended pursuant to paragraph 5(c) above, and Applicant either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that she is worthy of a license, Applicant'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 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.

7. 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.

8. In any such enforcement proceeding, Applicant 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. Applicant 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 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.

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 duly authorized delegee.

BY: Melisa Aykul
MELISA AYKUL, Applicant

David J. Buono Jr.
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