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By Admin Hearings, Ins Dept at 7:48 am, Jul 29, 2024

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
BRAXTON BESZ	:	40 P.S. §§ 310.11(14), (20) and
6578 Arbordeau Lane	:	310.78(b)
Macungie, PA 18062	:	
	:	
	:	
	:	
Respondent.	:	Docket No. CO24-07-016

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. 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 Pennsylvania Insurance Department ("Department") finds true and correct each of the following Findings of Fact:

- (a) Respondent is Braxton Besz and maintains a record of his address with the Pennsylvania Insurance Department as 6578 Arbordeau Lane, Macungie, PA 18062.
- (b) Respondent is, and at all times relevant hereto has been, a licensed Resident Producer Individual.
- (c) Respondent, on January 9, 2023, was charged with one (1) count each of the following: Criminal Use of a Communications Device; Manufacture, Delivery, Possession with Intent to Deliver a Controlled Substance; Theft by Unlawful Taking; Receiving Stolen Property; Conspiracy-Manufacture, Delivery, Possession with Intent to Deliver a Controlled Substance; Conspiracy-Theft by Unlawful Taking; and Conspiracy-Receiving Stolen Property, all felonies. He was also charged with one (1) count each of Possession of Controlled Substance and Conspiracy-Possession of Controlled Substance, both misdemeanors, by the Lehigh County Detectives, Lehigh, PA.
- (d) Respondent failed to notify the Department of his criminal charges identified in finding 3(c) within thirty (30) days.

- (e) Respondent was issued a warning letter by the Department on February 22, 2023, for the charges identified in finding 3(c) and informing him of the need to report criminal charges and the final disposition of those charges within thirty (30) days.
- (f) Respondent, on April 22, 2024, was convicted of one (1) count each of Criminal Use of a Communications Device and Theft by Unlawful Taking, both felonies, in the Court of Common Pleas of Lehigh County, PA, as a result of the charges identified in finding 3(c).
- (g) Respondent failed to notify the Department of the final disposition of his criminal charges identified in finding 3(f) within thirty (30) days.

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(14) prohibits a licensee or an applicant from committing a felony or its equivalent.
- (c) Respondent's activities described in paragraph 3(f) violate 40 P.S. § 310.11(14).

- (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) Respondent's activities described in paragraphs 3(c), 3(d), 3(f) and 3(g) 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) Respondent's activities described in paragraphs 3(c), 3(d), 3(f) and 3(g) violate 40 P.S. § 310.78(b).
- (h) Respondent's violations of 40 P.S. §§ 310.11(14), (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, 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) Future license applications, if any, will require a 1033 Waiver, pursuant to the Violent Crime Control and Law Enforcement Act, 18 U.S.C. §§ 1033 and 1034.

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, 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.

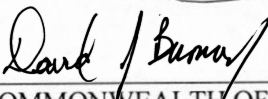
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and there are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement. This Order may not be amended 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: 

BRAXTON BESZ, 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