



## FINDINGS OF FACT

3. The Pennsylvania Insurance Department ("Department") finds true and correct each of the following Findings of Fact:
- (a) Respondent is David L Brown and maintains a record of his address with the Pennsylvania Insurance Department as 143 W. Sylvania Street, Philadelphia, PA 19144.
  - (b) Respondent is, and at all times relevant hereto has been, a licensed Resident Public Adjuster Individual.
  - (c) Respondent failed to pay Pennsylvania state taxes from 2013 through 2017.
  - (d) Respondent, on August 30, 2018, was notified by the Pennsylvania Department of Revenue by mail that he was non-compliant with his tax obligations.
  - (e) Respondent has a lien against him totaling \$3,315.25 in the Court of Common Pleas of Philadelphia County, under Docket Number 180803510, for non-compliance with his Pennsylvania state tax obligations.
  - (f) Respondent, on July 5, 2019, submitted an initial application for licensure and incorrectly answered "No" to the question that asks,

"[h]ave you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?"

- (g) Respondent, on October 3, 2019, was notified by the Pennsylvania Department of Revenue by mail that he was non-compliant with his tax obligations.
- (h) Respondent has a lien against him totaling \$1,325.97 in the Court of Common Pleas of Philadelphia County, under Docket Number 190904856, for non-compliance with his Pennsylvania state tax obligations
- (i) Respondent failed to renew his Resident Public Adjuster license, and it expired on March 31, 2022.
- (j) Respondent, on May 15, 2024, submitted an application for licensure and improperly answered "No" to the question asks, "[h]ave you been notified by a jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?"

#### 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) 63 P.S. § 1606(a)(11) states that committing any of the following acts shall be grounds for fine, suspension or revocation of a public adjuster's license: ... (11) Making a material misstatement in the application for any such license.
- (c) Respondent's activities described in paragraphs 3(f) and 3(j) violate 63 P.S. § 1606(a)(11).
- (d) 63 P.S. § 1606(a)(13) prohibits a public adjuster from demonstrating incompetence or untrustworthiness to transact the business of a public adjuster.
- (e) Respondent's activities described in paragraphs 3(c), 3(d), 3(e), 3(f), 3(g), 3(h) and 3(j) violate 63 P.S. § 1606(a)(13).
- (f) Respondent's violations of 63 P.S. § 1606(a)(11) and (13) are punishable by the following, under 63 P.S. § 1606:
  - (i) suspension, revocation or refusal to issue the license;
  - (ii) imposition of a civil penalty not to exceed one thousand dollars (\$1,000.00) 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) Respondent shall pay a civil penalty of five hundred dollars (\$500.00) 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) Respondent shall be compliant with all tax obligations including but not limited to, fully and timely complying with any agreed upon Payment Plan entered into with the Department of Revenue and otherwise timely and accurately filling any and all requisite tax returns.
- (d) Upon demand by the Insurance Department, Respondent shall provide full, complete and immediate proof of compliance with any Payment

Plan, or any other obligation with the Department of Revenue, in a manner and form acceptable to the Pennsylvania Insurance Department. Further Respondent acknowledges that this provision must be strictly adhered to; failure to comply with this provision shall, in and of itself, be a material breach of this Order and an independent basis for suspending and/or revoking Respondent's license.

- (e) Should Respondent fail to make any payment by its due date, Respondent's licenses may be immediately suspended or revoked by the Pennsylvania Insurance Department. Respondent acknowledges that this provision must be strictly adhered to; failure to comply with this provision shall, in and of itself, be a material breach of the Order and an independent basis for suspending and revoking Respondent's license.
- (f) Respondent'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 Respondent 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 five (5) years from the date of this Order.
- (g) Respondent specifically waives his 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 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.

- (h) At the hearing referred to in paragraph 5(g) of this Order, Respondent shall have the burden of demonstrating that he is worthy of a license.
- (i) In the event Respondent's licenses are suspended pursuant to paragraph 5(f) above, and Respondent either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that he is worthy of a license, Respondent'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.

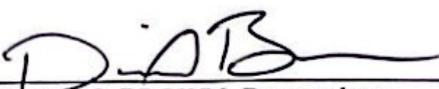
7. Alternatively, in the event the Insurance Department finds there has been a breach of any of the provisions of this Order, the Department may declare this Order to be null and void and, thereupon, reopen the entire matter for appropriate action pursuant to the Administrative Agency Law, supra, or other relevant provision of law.

8. In any such enforcement proceeding, 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:   
\_\_\_\_\_  
DAVID L BROWN, 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