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BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
DAIVON ELLISON	:	40 P.S. §§ 310.11(6), (7), (17),
757 W. 3rd Street	:	(20) and 310.78(b)
Williamsport, PA 17701	:	
	:	
	:	
	:	
	:	
Respondent.	:	Docket No. CO24-09-010

CONSENT ORDER

AND NOW, this 19th day of September, 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 Daivon Ellison and maintains a record of his address with the Pennsylvania Insurance Department as 757 W. 3rd Street, Williamsport, PA 17701.
- (b) Respondent is, and at all times relevant hereto has been, a licensed Resident Producer Individual.
- (c) Respondent, on November 4, 2021, filed an automobile insurance claim after his vehicle was struck by a deer.
- (d) Respondent received \$2,287.83 from his insurer for the accident identified in finding 3(c).
- (e) Respondent, on August 1, 2022, filed an automobile insurance claim with a new insurer stating his vehicle was struck by a deer and received an estimate for damages in the amount of \$3,238.01.
- (f) Respondent, on August 3, 2022, submitted photographs of the vehicle damage to new insurer identified in finding 3(e). The insurer conducted a metadata search and determined that the photographs submitted were

identical to the photographs submitted from the prior accident identified in finding 3(c).

- (g) Respondent's claim was denied by the insurer identified in finding 3(e) based on the results of the metadata search identified in finding 3(f).
- (h) Respondent, on May 29, 2023, was charged by the Pennsylvania State Police (Union, PA) with one (1) count of Theft of Property, a misdemeanor.
- (i) Respondent failed to notify the Department of his criminal charge within 30 days.
- (j) Respondent, on December 12, 2023, was issued a warning letter by the Department for the charge identified 3(h) and informing him of the need to report criminal charges and the final disposition of those charges within 30 days.
- (k) Respondent's pending criminal charge identified in finding 3(h) was dismissed on February 20, 2024, at his Magisterial District Justice 17-3-01 Preliminary Hearing.
- (l) Respondent failed to notify the Department of the final disposition of his criminal charge within 30 days.

- (m) Respondent, on May 6, 2024, was charged by the Office of Attorney General (Lycoming, PA) with one (1) count of False/Fraudulent Insurance Claim and one (1) count of Theft by Deception-False Impression, both felonies.
- (n) Respondent failed to notify the Department of his criminal charges within 30 days.
- (o) Respondent during his Departmental interview admitted that he did not get his vehicle fixed following the submission of the claim identified in finding 3(c) and that he filed the false insurance claim identified in finding 3(e) because he needed the money.
- (p) Respondent's charges identified in finding 3(m) are pending final disposition in the Court of Common Pleas of Lycoming County, PA.

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(6) prohibits a licensee or an applicant from committing any unfair insurance practice or fraud.

- (c) Respondent's activities described in paragraphs 3(e), 3(f), 3(g), 3(m) and 3(n) violate 40 P.S. § 310.11(6).
- (d) 40 P.S. § 310.11(7) prohibits a licensee or an applicant from using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of doing business.
- (e) Respondent's activities described in paragraphs 3(e), 3(f), 3(g), 3(m) and 3(n) violate 40 P.S. § 310.11(7).
- (f) 40 P.S. § 310.11(17) prohibits a licensee or an applicant from committing fraud, forgery, dishonest acts or an act involving a breach of fiduciary duty.
- (g) Respondent's activities described in paragraphs 3(e), 3(f), 3(g), 3(m) and 3(n) violate 40 P.S. § 310.11(17).
- (h) 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.
- (i) Respondent's activities described in paragraphs 3(e), 3(f), 3(g), 3(h), 3(i), 3(j), 3(l), 3(m), 3(n), 3(o) and 3(p) violate 40 P.S. § 310.11(20).

- (j) 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.

- (k) Respondent's activities described in paragraphs 3(l) and 3(n) violate 40 P.S. § 310.78(b).

- (l) Respondent's violations of 40 P.S. §§ 310.11(6), (7), (17), (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) If Respondent should ever become licensed in the future, his 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 complaint against Respondent is accurate and a statute or regulation has been violated. The Department's right to act under this subsection is limited to a period of ten (10) years from the date of issuance of such licenses.
- (d) 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.

- (e) At the hearing referred to in paragraph 5(d) of this Order, Respondent shall have the burden of demonstrating that he is worthy of an insurance license.
- (f) In the event Respondent's licenses are suspended pursuant to paragraph 5(c) 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.

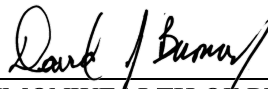
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and there are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement. This Order may not be amended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



DAIVON ELLISON, 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