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By Admin Hearings, Ins Dept at 8:01 am, Nov 06, 2024

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
BRIAN MEDINA	:	63 P.S. § 856(1), (2), (3) and (6)
230 W. 131st Street, Apartment 2e	:	
New York, NY 10027	:	
	:	
	:	
	:	
Respondent.	:	Docket No. CO24-10-028

CONSENT ORDER

AND NOW, this 6th day of November, 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 Brian Medina and maintains a record of his address with the Pennsylvania Insurance Department as 230 W. 131st Street, Apartment 2e, New York, NY 10027.
 - (b) Respondent is, and at all times relevant hereto has been, a licensed Motor Vehicle Physical Damage Appraiser (MVPDA).
 - (c) Respondent, on March 19, 2024, was charged by the Philadelphia Police Department (Philadelphia, PA) with one (1) count of Terroristic Threats, one (1) count of Simple Assault, and one (1) count of Reckless Endangerment, all misdemeanors.
 - (d) Respondent, on August 23, 2024, submitted a license renewal application and incorrectly answered "No" to the question that asks, "[h]ave you been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor, which has not been previously reported to this insurance department?"
 - (e) Respondent's charges identified in finding 3(c) are pending final disposition in the Municipal Court of Philadelphia 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) 63 P.S. § 856(1), states the Commissioner may deny initial issuance of, suspend, revoke or refuse to renew any appraiser's license for any cause, if the issuance of the license could have been refused had that cause been existent and been known to the commissioner.
- (c) Respondent's activities described in paragraphs 3(c) through 3(e) violate 63 P.S. § 856(1).
- (d) 63 P.S. § 856(2), states the Commissioner may deny initial issuance of, suspend, revoke or refuse to renew any appraiser's license for any cause, if the licensee willfully violates or fails to comply with or knowingly participates in the violation of or failure to comply with any provisions of this act or any rule or regulation promulgated thereunder.
- (e) Respondent's activities described in paragraphs 3(c) through 3(e) violate 63 P.S. § 856(2).

- (f) 63 P.S. § 856(3), states the Commissioner may deny initial issuance of, suspend, revoke or refuse to renew any appraiser's license if the licensee obtained his license through willful misrepresentation or fraud.

- (g) Respondent's activities described in paragraphs 3(c) through 3(e) violate 63 P.S. § 856(3).

- (h) 63 P.S. § 856(6), states the Commissioner may deny initial issuance of, suspend, revoke or refuse to renew any appraiser's license if the licensee has shown himself to be incompetent, untrustworthy, or a source of injury and loss to the public.

- (i) Respondent's activities described in paragraphs 3(c) through 3(e) show him to be incompetent, untrustworthy, or a source of injury and loss to the public.

- (j) Respondent's violations of 63 P.S. § 856(1), (2), (3) and (6) are punishable by the following, under 63 P.S. § 856:
 - (i) suspension, revocation or refusal to issue the license;

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'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 subsection is limited to a period of five (5) years from the date of this Order.
- (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 a 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.

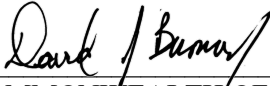
9. Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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: 

BRIAN MEDINA, 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