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By Admin Hearings, Ins Dept at 8:01 am, Jul 24, 2024

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
MICHAEL TOWNS	:	63 P.S. §§ 1602.2(a)(5) and
522 N. 65th St.	:	1606(a)(4)
Philadelphia, PA 19151	:	
	:	
	:	
	:	
Applicant.	:	Docket No. CO24-07-022

CONSENT ORDER

AND NOW, this 24th 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 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. 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 Michael Towns and maintains a record of his address with the Pennsylvania Insurance Department as 522 N. 65th St., Philadelphia, PA 19151.
- (b) Applicant does not possess a Resident Public Adjuster Individual license.
- (c) Applicant, on August 8, 2012, was convicted of Posses Firearm with Manufacturer Number Altered, Etc. and Firearms Not to be Carried without License, both felonies, and Carry Firearms Public in Philadelphia, a misdemeanor, in the Court of Common Pleas of Philadelphia County, Pennsylvania.
- (d) Applicant, on October 24, 2013, was convicted of Intentional Possession of a Controlled Substance by Person Not Registered, a misdemeanor, in the Municipal Court of Philadelphia, Pennsylvania.
- (e) Applicant, on November 21, 2014, was convicted of Firearms Not to be Carried without License, a felony, and Carry Firearms Public in Philadelphia and Resist Arrest/Other Law Enforcement, both misdemeanors, in the Court of Common Pleas of Philadelphia County, Pennsylvania.

- (f) Applicant, on December 29, 2017, was convicted of Aggravated Assault, a felony, and Simple Assault and Resist Arrest/Other Law Enforcement, both misdemeanors, in the Court of Common Pleas of Philadelphia County, Pennsylvania.
  
- (g) Applicant electronically initiated an application for a Resident Public Adjuster Individual license on June 4, 2024, wherein he disclosed his 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) 63 P.S. § 1602.2(a)(5) provides that the Department shall issue a license to an applicant who possess the general fitness, competence and reliability sufficient to satisfy the Department that the applicant is worthy of licensure.
  
- (c) Applicant's activities in paragraphs 3(c) through 3(f) violate 63 P.S. § 1602.2(a)(5) and reflect on his general fitness, competence and reliability to transact business as a public adjuster.

- (d) 63 P.S. § 1606(a)(4) prohibits a conviction by any court of or a plea of nolo contendere to a felony under the laws of this Commonwealth, any other state, the United States or any territory or foreign country.
- (e) Applicant's activities described in paragraphs 3(c), 3(e) and 3(f) violate 63 P.S. § 1606(a)(4).
- (f) Applicant's violations of 63 P.S. §§ 1602.2(a)(5) and 1606(a)(4) 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, 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'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.
  
- (c) Applicant 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 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.
  
- (d) At the hearing referred to in paragraph 5(c) of this Order, Applicant shall have the burden of demonstrating that he is worthy of a license.
  
- (e) In the event Applicant's licenses are suspended pursuant to paragraph 5(b) above, and Applicant either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that he 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:   
MICHAEL TOWNS Applicant

  
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