

FINDINGS OF FACT

3. The Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Respondent is Brandon Marquette, and maintains his address at 2617 Victorian Dr., Dover, PA 17315.
- (b) Respondent is, and at all times relevant hereto has been, a licensed resident producer.
- (c) Respondent issued a \$35,000 bail bond to an individual on November 10, 2016.
- (d) Respondent entered into a Promissory Note and an Indemnification Agreement on November 11, 2016, requiring the individual to pay a lawfully permissible \$3,500 (10%) bond premium for the \$35,000 bond.
- (e) Respondent charged the individual an additional and lawfully permissible \$10,000 in collateral because Respondent assessed the bond to be high risk.
- (f) Respondent verbally disclosed to the individual the additional collateral fee but did not properly disclose the collateral fee in writing on any contractual agreement.
- (g) Respondent, at the conclusion of the bond and upon request of the payor, remitted \$6,000 and attempted to remit \$4,000 to the individual, who disputed this amount.

- (h) Respondent attempted to reimburse the individual \$2,950.00 of the remaining \$4,000.00, after deducting fees and administrative costs associated with the bond contract.
- (i) The individual failed to respond to these offers from the Respondent.

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(5) prohibits a licensee or an applicant from intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.
- (c) Respondent's activities described above in paragraph 3(f) violate 40 P.S. § 310.11(5).
- (d) 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.
- (e) Respondent's activities described above in paragraph 3(f) violate 40 P.S. § 310.11(17), since it is agreed by the Respondent that said action may demonstrate breach of fiduciary duty if uncorrected.
- (f) 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.

- (g) Respondent's activities described above in paragraphs 3(f) violate 40 P.S. § 310.11(20), since it is agreed by the Respondent that said action may demonstrate lack of competence and general fitness if uncorrected.
- (h) Respondent's violations of §§ 310.11(5),(17) and (20) 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) Respondent shall pay a civil penalty of One Thousand Dollars (\$1,000) to the Commonwealth of Pennsylvania. Payment of this penalty shall be made by certified check or money order, payable to the Commonwealth of Pennsylvania. Payment should be directed to Bureau of Licensing and Enforcement, 1227 Strawberry Square, Harrisburg, Pennsylvania 17120. Payment may be enclosed with the Consent Order, but must be paid in any event no later than fourteen (14) days after the date of the Consent Order.

- (c) Respondent shall make diligent efforts to reimburse to the owner the \$2,950 collateral referenced in paragraph 3(h) of this Consent Order, plus any interest earned. In furtherance of this duty, Respondent shall:
- (i) Within fifteen days of the effective date of this Consent Order, open an interest-bearing trust account into which he shall deposit the \$2,950 collateral owed, and provide the Department with proof of the same;
 - (ii) Comply with all applicable laws pertaining to the disposition of abandoned and unclaimed property under Article XIII.1 of the Fiscal Code, 72 P.S. 1301.1, *et seq.*, as may be amended;
 - (iii) Notify the Department annually on the effective date of this Consent Order and until such time as the funds have been reimbursed to the owner or paid or delivered to the State Treasurer as to the status of the \$2,950 collateral owed, including any attempts to reimburse these funds and Respondent's compliance with Article XIII.1 of the Fiscal Code, 72 P.S. 1301.1, *et seq.*, as may be amended;
 - (iv) Within fifteen days of reimbursement to the owner or payment or delivery to the State Treasurer, provide the Department with proof of the same.
- (d) 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.

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

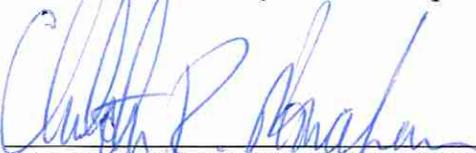
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

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:



BRANDON MARQUETTE, Respondent

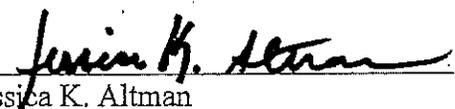


COMMONWEALTH OF PENNSYLVANIA
By: CHRISTOPHER R. MONAHAN
Deputy Insurance Commissioner

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 28th day of March, 2018, Christopher R. Monahan,
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.



Jessica K. Altman
Insurance Commissioner

