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INSURANCE DEPARTMENT
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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
DAVID MATTHEW RYAN 228 Mill Street Fredonia, PA 16124	:	40 P.S. §§310.11(20) and 310.78(b)
Applicant .	:	Docket No. CO19-07-012

CONSENT ORDER

AND NOW, this 23rd day of August, 2019, this Order is hereby issued by the Insurance Department of the Commonwealth of Pennsylvania pursuant to the statutes cited above and indisposition 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 Insurance Department finds true and correct each of the following Findings of Fact:

(a) Applicant is David Matthew Ryan and maintains a record of his address with the Pennsylvania Insurance Department as 228 Mill Street, Fredonia, PA 16124.

(b) Applicant is, and at all times relevant hereto has been, a licensed resident producer.

(c) Applicant, on January 14, 2019, in the Court of Common Pleas of Mercer County pleaded guilty to DUI, a misdemeanor. Applicant was sentenced to not less than ninety (90) days nor more than one (1) year incarceration, followed by four (4) years probation, all consecutive to any outstanding sentence, and $4,501.75 in monetary obligations.

(d) Applicant, on January 14, 2019, in the Court of Common Pleas of Mercer County pleaded guilty to Possession with Intent to Deliver, a felony. Applicant was sentenced to two (2) years probation, concurrent to the DUI sentence but consecutive to any outstanding sentence.

(e) Applicant is currently in full compliance of the probation program and payment arrangements.

(f) Applicant, on March 28, 2019, initiated an application to add qualifications to his resident producer license, wherein he fully disclosed his criminal history.

(g) Applicant failed to notify the Dept. of the initial charges identified in finding 3(c) within 30 days.

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) 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.

(c) Applicant's activities described in paragraphs 3(c) and 3(d) violate 40 P.S. § 310.11(20).

(d) 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.

(e) Respondent's activities described in paragraph 3(g) violate 40 P.S. § 310.78(b).

(f) Applicant 's violations of Sections 310.11(20) and 310.78(b) are punishable by the following, under 40 P.S. §310.91:

(i) suspension, revocation or refusal to issue the licensure;

(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, 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 five (5) 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 find 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 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: _____
DAVID MATTHEW RYAN, Applicant

_____
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