



FINDINGS OF FACT

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

Findings of Fact:

(a) Respondent is Robert M. Davis, and maintains his address at 706 Blue Ridge Road, Pittsburgh, Pennsylvania 15239

(b) Respondent is and was at all times relevant, licensed as a resident producer.

(c) Respondent on May 4, 2007, was arrested and charged with 3 counts of Manufacture Deliver, Possession With Intent to Manufacture or Deliver a Controlled Substance, and 1 count of Possession of a Controlled Substance, not per regulation.

(d) Respondent failed to report the charges to the department within 30 days.

(e) Respondent, on June 28, 2008, applied for renewal of his insurance license. One of the questions asked during renewal is, "Since the last renewal or initial application in this state, have you been convicted of or

pled nolo contendere (no contest) to any misdemeanor or felony or currently have pending misdemeanor or felony charges filed against you?

(f) Respondent indicated "No" to the question stated in (e) above.

(g) Respondent, on March 2, 2009 pled guilty in the Court of Common Pleas of Allegheny County Pennsylvania to 3 felony counts for Manufacture,

Deliver, Possession with Intent to Manufacture or Deliver a controlled Substance, and 1 misdemeanor count for Intentional Possession of Controlled Substance by Person not Registered.

(h) Respondent, as a result of entering a guilty plea was placed on 2 years probation.

(i) Respondent failed to report the conviction to the department 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) Respondent is subject to the jurisdiction of the Pennsylvania Insurance Department.

(b) 40 Purdons Statutes, Section 310.11(1) prohibits a licensee or applicant for a license from providing incorrect, misleading, incomplete or false information to the Department in a license application.

(c) Respondent's activities described above in paragraphs 3(e) and 3(f) violate 40 Purdons Statutes, Section 310.11(1).

(d) 40 Purdons Statutes, Section 310.11(14) prohibits a licensee or applicant from committing a felony or its equivalent.

(e) Respondent's activities described above in paragraphs 3(c) and 3(g) violate 40 Purdons Statutes, Section 310.11(14).

(f) 40 Purdons Statutes, Section 310.11(20) prohibits a licensee 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(c) through 3(i) violate 40 Purdons Statutes, Section 310.11(20).

(h) 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. The licensee shall provide the Department with a copy of the criminal complaint, information or indictment, a copy of the order resulting from any pretrial hearing, and a report of the final disposition of the charges.

(i) Respondent's activities described above in paragraph 3(d) violates 40 P.S. § 310.78(b).

(j) Respondent's violations of Sections 310.11(1), (14), (20) and 310.78(b) are punishable by the following, under 40 Purdons Statutes, Section 310.91:

- (i) suspension, revocation or refusal to issue the certificate of qualification or 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's certificates and 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 section is limited to a period of five (5) years from the date of this Order.

(c) 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.

(d) At the hearing referred to in paragraph 5(c) of this Order, Respondent shall have the burden of demonstrating that he is worthy of a license.

(e) In the event Respondent's certificates and licenses are suspended pursuant to paragraph 5(b) 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 certificates and 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 provision 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 that 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 a duly authorized delegee.

BY: Robert M. Davis  
ROBERT M. DAVIS, Respondent

Ronald A. Gallagher, Jr.  
COMMONWEALTH OF PENNSYLVANIA  
By: Ronald A. Gallagher, Jr.  
Deputy Insurance Commissioner