



**COMMONWEALTH OF MASSACHUSETTS**  
**Office of Consumer Affairs and Business Regulation**  
**DIVISION OF INSURANCE**

1000 Washington Street • Suite 810 • Boston, MA 02118-6200  
(617) 521-7794 • FAX (617) 521-7475  
<http://www.mass.gov/doi>

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

MIKE KENNEALY  
SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

EDWARD A. PALLESCHI  
UNDERSECRETARY

GARY D. ANDERSON  
COMMISSIONER OF INSURANCE

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**Division of Insurance, Petitioner**  
**v.**  
**Tawanda Unique Brown, Respondent**  
**Docket No. E2019-01**

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**Order on Petitioner's Motion for Summary Decision**

On January 24, 2019, the Division of Insurance ("Division") filed an Order to Show Cause ("OTSC") against Tawanda Unique Brown ("Brown"), who was first licensed as a Massachusetts non-resident insurance producer on or about October 5, 2017. The OTSC seeks revocation of Brown's Massachusetts producer license on the grounds that she is subject to discipline pursuant to the provisions of M.G.L. c.175, §162R (a)(9). It also alleges that Brown failed to report to the Division administrative actions revoking producer licenses issued to her by her home state, Pennsylvania, and by South Carolina and Delaware, as M.G.L. c. 175, §162V (a) obligates her to do. In addition to revocation of Brown's license and the imposition of fines, the Division seeks orders that, among other things, require Brown to dispose of any insurance-related interests in Massachusetts and prohibit her from conducting business in the Commonwealth.

Brown filed no answer or other response to the OTSC. On May 15, 2019, the Division moved for entry of default and summary decision ("the Motion"). An order, entered on May 20, set a date for responding to the Motion and scheduled a hearing on the Motion for June 14, 2019. Robert Kelly, Esq. represented the Division in this matter. Neither Brown nor any person representing her attended the June 14 hearing. Mr. Kelly reported that he had not been contacted by Brown or any person purporting to represent her.

***Finding of Default***

According to the certificate of service submitted with the OTSC, the Division served the OTSC and Notice of Action on Brown by certified and regular first class United States mail addressed to her at the home, business and mailing address shown on the Division's producer licensing records: 1937 N. 3d Street, Rear 1, Harrisburg, PA 17102. The Division attached to the Motion a photocopy of a signed receipt for certified mail indicating that the OTSC was delivered to and accepted at Brown's address on February 7, 2019. I conclude that the OTSC was served on Brown by certified United States mail.

The Motion is grounded on Brown's failure to answer the OTSC. I find that Brown's failure to answer the OTSC or to respond to the Motion, and her failure to appear at the hearing warrant a finding that she is in default. By her default, Brown has waived her right to proceed further with an evidentiary hearing in this case and I may consider the Motion based on the record.

The record in this proceeding consists of the OTSC, the Motion, and the exhibits attached to them. The exhibits to the OTSC consist of an order from the Insurance Commissioner of the Commonwealth of Pennsylvania revoking Brown's license, an order from the South Carolina Department of Insurance revoking her license, and an order from the Delaware Insurance Department revoking her license.

### ***Findings of Fact***

Based on my review of the record, I make the following findings of fact.

1. The Division first licensed Brown as a non-resident insurance producer on or about October 5, 2017.
2. At that time, Brown was licensed as a resident insurance producer by the Commonwealth of Pennsylvania.
3. By order dated May 3, 2018, the Commonwealth of Pennsylvania revoked Brown's insurance producer license.
4. As of May 3, 2018, Brown was no longer eligible to hold a Massachusetts non-resident producer license.
5. Brown failed to report to the Division, within 30 days after May 3, 2018, the Pennsylvania administrative action revoking her license.
6. By order dated August 8, 2018, South Carolina revoked Brown's non-resident producer license.
7. Brown failed to report to the Division, within 30 days after August 8, 2018, the South Carolina administrative action revoking her license.
8. By order dated October 3, 2018, Delaware revoked Brown's non-resident producer license.

9. Brown failed to report to the Division, within 30 days after October 3, 2018, the Delaware administrative action revoking her license.

### ***Analysis and Discussion***

801 CMR 1.01(7) (h) permits a party to move for summary decision when, in its opinion, there is no genuine issue of fact relating to a claim and it is entitled to prevail as a matter of law. Brown has not contested the factual allegations in the OTSC or offered any defense to the Division's claims for relief. M.G. L. c. 175, §§162G through 162X set out, among other things, the requirements for obtaining and maintaining a Massachusetts insurance producer license. Section 162R (a) specifies fourteen grounds on which the Commissioner may suspend or revoke a producer's license.

As grounds for revocation of Brown's license, the Division relies on §162R (a)(9), the subsection that permits disciplinary action if another jurisdiction has revoked an insurance producer's license. The evidence submitted by the Division, copies of orders issued by Pennsylvania, South Carolina and Delaware revoking Brown's insurance producer license in those jurisdictions, supports disciplinary action under that section. Those three revocations warrant revocation of her Massachusetts license.

The Division also asserts that Brown violated M.G.L. c. 175, §162V (a) by failing to report the administrative actions taken by Pennsylvania, South Carolina and Delaware within 30 days after the final disposition of those matters. The record supports a conclusion that Brown did not report to the Division the Pennsylvania, South Carolina or Delaware administrative actions against her and thereby violated M.G.L. c. 175, §162V (a). Section 162V (a) does not specify a penalty for failure to comply with that statute. Violations of the section are therefore subject to a \$500 fine authorized under M.G. L. c. 175, §194.

M.G.L. c. 175, §162N provides that a producer is not eligible for a non-resident license in Massachusetts unless he or she is licensed as a resident in a home state and in good standing in that state.<sup>1</sup> As of May 3, 2018 Brown was neither licensed in her home state, Pennsylvania, nor in good standing there and, by operation of law, ineligible to hold a Massachusetts producer license. Her failure to report the Pennsylvania revocation

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<sup>1</sup> Chapter 175, §162H defines home state as the state in which the producer maintains a principal place of residence or principal place of business and is licensed as an insurance producer.

effectively enabled her to retain her status as a non-resident Massachusetts licensed producer for an indefinite time period after she was ineligible to hold that license, to the potential detriment of Massachusetts consumers. For that reason, I find that she should be fined \$500 for failure timely to report the Pennsylvania revocation. South Carolina subsequently terminated Brown's license in that state because the Pennsylvania action rendered her ineligible for that license; Delaware on the ground of failure to report those previous actions.<sup>2</sup> Brown's failure promptly to report the later revocations by South Carolina and Delaware, unlike her failure to report the Pennsylvania revocations, did not have a similarly immediate direct effect on her status as a Massachusetts licensee authorized to conduct business in the Commonwealth. I will therefore impose a fine of \$250 each for Brown's failure to report the administrative actions taken by South Carolina and Delaware. I also find that, in addition to revocation of her license, Brown should be prohibited from transacting any insurance business, directly or indirectly, in Massachusetts, and be required to dispose of any interests she may have in any insurance business in Massachusetts.

## **ORDERS**

Accordingly, after due notice, hearing and consideration it is

**ORDERED:** That any and all insurance producer licenses issued to Tawanda Unique Brown by the Division are hereby revoked; and it is

**FURTHER ORDERED:** that Tawanda Unique Brown shall return to the Division any licenses in her possession, custody or control; and it is

**FURTHER ORDERED:** that Tawanda Unique Brown shall cease and desist from the conduct that gave rise to this Order to Show Cause; and it is

**FURTHER ORDERED:** that Tawanda Unique Brown, from the date of this order, prohibited from directly or indirectly transacting any insurance business or acquiring, in any capacity whatsoever, any insurance business in the Commonwealth of Massachusetts; and it is

**FURTHER ORDERED:** that Tawanda Unique Brown shall comply with the provisions of G. L. c. 175, §166B and dispose of any and all interests in Massachusetts as a proprietor, partner, stockholder, officer or employee of any licensed insurance producer; and it is

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<sup>2</sup> The South Carolina order, dated August 8, 2018, noted that it transmitted a copy to the National Association of Insurance Commissioners for distribution to its member states. The record does not state when or whether Massachusetts received that distribution.

**FURTHER ORDERED:** that Tawanda Unique Brown shall pay a fine of One Thousand Dollars (\$1,000) to the Division within 30 days of the entry of this order.

This decision has been filed in the office of the Commissioner of Insurance this 22nd day of October 2019. A copy shall be sent to Brown by regular first class mail, postage prepaid.

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Jean F. Farrington  
Presiding Officer

Pursuant to M.G.L. c. 26, §7, this decision may be appealed to the Commissioner of Insurance.