

STATE OF NORTH DAKOTA
BEFORE THE INSURANCE COMMISSIONER

In the Matter of)	
)	
Mark Silva,)	CONSENT ORDER
NPN 16553857, and)	
Quicksilva Title & Escrow, LLC,)	CASE NO. AG-16-696
NPN 16885247,)	
)	
Respondents.)	

TO: Mark Silva and Quicksilva Title & Escrow, LLC, 905 North Stephenson Highway, Royal Oak, MI 48067-2160

Insurance Commissioner Adam Hamm (“Commissioner”) has determined as follows:

1. As a result of information obtained by the North Dakota Insurance Department (“Department”) regarding the conduct of Mark Silva, NPN 16553857, an individual who has held a North Dakota nonresident insurance producer license at all relevant times to this proceeding, and Quicksilva Title & Escrow, LLC, NPN 16885247 (“Respondents”), a business entity which has held a North Dakota nonresident insurance producer license at all times relevant to this proceeding, the Commissioner has considered scheduling a formal hearing to determine whether Respondents’ conduct as alleged constitutes a basis for imposition of a civil penalty or any other action the Commissioner deems necessary. As more fully described below, Respondent’s conduct is alleged to be in violation of N.D.C.C. § 26.1-26-45.1(1).

2. N.D.C.C. § 26.1-26-45.1 states, in part:

26.1-26-45.1. Reporting of actions.

1. An insurance producer shall report to the commissioner any administrative action taken against the insurance producer's license in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report must include a copy of the order, consent to order, or other relevant legal documents.

3. On or about June 21, 2016, Respondent Silva submitted an application to reinstate his nonresident insurance producer license in North Dakota. Respondent Quicksilva submitted an application to reinstate its business entity insurance producer license in North Dakota. Respondents answered "yes" to background question two relating to being named or involved as a party in an administrative proceeding regarding any professional or occupational license. Respondents provided information relating to administrative actions taken in several states.

4. A review of the submitted information revealed that on or about August 21, 2014, Ohio took administrative action against Respondents by issuing a Consent Order with a \$100 fine for Failure to Timely File. The Ohio administrative action should have been reported to North Dakota by September 21, 2014. Respondent Silva failed to report the administrative action to North Dakota, and Respondent Quicksilva did not report the administrative action until December 31, 2014. Respondents' failure to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

5. A review of the submitted information revealed that on or about May 15, 2015, Indiana took administrative action against Respondent Quicksilva by issuing a

fine of \$3,892 for Overcharging Premiums. The Indiana administrative action should have been reported to North Dakota by June 15, 2015, and it was not reported until July 15, 2015. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

6. A review of the submitted information revealed that on or about September 30, 2015, Delaware took administrative action against Respondent by issuing a Consent Order for Failure to Report Other State Action. The Delaware administrative action should have been reported to North Dakota by October 30, 2015, and it was never reported. Respondent's failure to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

7. A review of the submitted information revealed that on or about July 15, 2015, Ohio took administrative action against Respondents by issuing a Consent Order with a \$1,250 fine for Failure to Timely File. The Ohio administrative action should have been reported to North Dakota by August 15, 2015, and it was not reported until November 23, 2015. Respondents' failure to report an administrative action within 30 days is in violation of N.D.C.C. § 26.1-26-45.1(1).

8. Respondents' actions constitute violations of N.D.C.C. § 26.1-26-45.1(1).

9. Respondents acknowledge that at the time of signing the Consent to Entry of Order, they were aware of or had been advised of their right to a hearing in this matter, to consult an attorney, to present argument to the Commissioner, to appeal from any adverse determination after a hearing, and Respondents expressly waive those rights.

10. Respondents have agreed to informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

11. For purposes of resolving this matter without further administrative proceedings, Respondents have agreed to enter into the following order.


NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent Silva agrees to pay a fine in the amount of \$400 payable by money order, cashier's check, or credit card to the North Dakota Insurance Department within 20 days of the effective date of this Order.

2. Respondent Quicksilva agrees to pay a fine in the amount of \$800 payable by money order, cashier's check, or credit card to the North Dakota Insurance Department within 20 days of the effective date of this Order.

3. The use of this Consent Order for competitive purposes by an insurance agent or agency holding a license in the State of North Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority.

DATED at Bismarck, North Dakota, this 22nd day of December, 2016.



Adam Hamm
Insurance Commissioner
State of North Dakota

CONSENT TO ENTRY OF ORDER

The undersigned, **Mark Silva**, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has been advised of the right to a hearing in this matter, the right to be represented by legal counsel, the right to present evidence and arguments to the Commissioner, and the

right to appeal from an adverse determination after hearing; and that by the signing of this Consent to Entry of Order he waives those rights in their entirety, and consents to entry of this Order by the Commissioner. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either expressed or implied.

DATED this 14 day of December, 2016

Mark Silva
Mark Silva for himself and on behalf of
Quicksilva Title & Escrow, LLC

County of Middlesex
State of MA

Subscribed and sworn to before me this 14 day of December, 2016.

Jennifer E. Marcolongo
Notary Public

My commission expires: 8-31-21

