

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

RECEIVED
INSURANCE DEPARTMENT
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ADMIN HEARINGS OFFICE

IN RE: : VIOLATIONS:
: :
DONTE STERLING : 63 P.S. Section 1605(a)
1354 Jerome Street :
Philadelphia, PA 19140 :
: :
SILVERLINE ADJUSTMENT, INC. :
8325 Stenton Avenue, Suite 2B :
Philadelphia, PA 19140 :
: :
Respondents. : Docket No. CO10-07-015

CONSENT ORDER

AND NOW, this 5TH day of JANUARY, 2011, this Order is hereby issued by the Insurance Department of the Commonwealth of Pennsylvania pursuant to the statutes cited above and in disposition of the matter captioned above.

1. Respondents hereby admit and acknowledge that they have received proper notice of their rights to a formal administrative hearing pursuant to the Administrative Agency Law, 2 Pa.C.S.A. §101, et seq., or other applicable law.

2. Respondents hereby waive all rights to a formal administrative hearing in this matter, and agree 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.

3. Without admitting the allegations of fact and conclusions of law contained herein, Respondents specifically deny that they violated any law or regulation of the Commonwealth.

FINDINGS OF FACT

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

- (a) Respondent is Donte Sterling, who maintains his address at 1354 Jerome Street, Philadelphia, PA 19140.
- (b) Co-Respondent is Silverline Adjustment, Inc., which business address is maintained at 8325 Stenton Avenue, Suite 2B, Philadelphia, PA 19140.
- (c) Respondent Sterling, license # 239689, is the Qualifying Active Officer for Co-Respondent Silverline, license # 526890.

- (d) On March 24, 2008, Respondents entered into Consent Order at Docket #CO07-08-014 with the Department, which placed Respondent Sterling's license under supervision until March 24, 2013.
- (e) On June 22, 2010, Khrystyna Davyda, an employee of Respondents, submitted an application to the Department for a public adjuster license and as required, included a copy of Co-Respondent's public adjuster contract.
- (f) Co-Respondent's contract submitted to the Department on June 22, 2010, is not the same contract approved by the Department on October 24, 2005.

CONCLUSIONS OF LAW

5. 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) Respondents are subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 63 Purdon's Statutes, Section 1605(a), Written contract required. No public adjuster shall, directly or indirectly, act within this Commonwealth as a public adjuster without having first entered into a contract, in writing, on a form approved by the Insurance Commissioner and executed in duplicate by the

public adjuster and the insured or a duly authorized representative. No public adjuster solicitor shall use any form of contract other than that approved for the public adjuster for whom he is soliciting, nor shall he make any contracts or agreements for himself or for the public adjuster other than such as are specified in the approved contract.

(c) Respondents' activities in paragraph 4(f) violate 63 Purdon's Statutes, Section 1605(a).

(d) Respondents' violations of Section 1605(a) are punishable by a fine, suspension and revocation of licenses under Section 1606(a) and the following, under 63 Purdons Statutes, Section 1606(b): The Insurance Commissioner may impose a penalty of not more than \$1,000 for every violation of this Act under 63 Purdons Statutes, Section 1606(b).

ORDER

6. In accord with the above Findings of Fact and Conclusions of Law, the Insurance Department orders and Respondents consent to the following:

(a) Respondents shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.

- (b) Respondents shall pay a civil penalty of Five Thousand Dollars (\$5,000.00) 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 Sharon L. Fraser, Manager, Bureau of 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 sixty (60) days after the date of the Consent Order.
- (c) Respondents' 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 Respondents 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 for Co-Respondent Silverline, and five (5) additional years commencing March 24, 2013 for Respondent Sterling. The Department's right to act regarding this Order for Respondent Sterling will expire on March 24, 2018.
- (d) Respondents specifically waives the 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 Respondents 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 Respondents' written request.

(e) At the hearing referred to in paragraph 5(d) of this Order, Respondents shall have the burden of demonstrating that they are worthy of a license.

(f) In the event Respondents' certificates and licenses are suspended pursuant to paragraph 5(c) above, and Respondents either fail to request a hearing within thirty (30) days or at the hearing fail to demonstrate that they are worthy of a license, Respondents' suspended certificates and licenses shall be revoked.

7. 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, it may, in its discretion, pursue any and all legal remedies available, including but not limited to the following: The Insurance Department may enforce the provisions of this Order in the Commonwealth Court of Pennsylvania or in any other court of law or equity having jurisdiction; or 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.

8. 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.

9. In any such enforcement proceeding, Respondents 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.

10. Respondents hereby expressly waive any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

11. 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.

12. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or the duly authorized delegee is authorized to bind the Insurance Department with respect to the settlement of the alleged violation of law

contained herein, and this Consent Order is not effective until executed by the Insurance Department or a duly authorized delegee.

BY:



~~DONTE~~ STERLING, individually and on behalf of SILVERLINE ADJUSTMENT, INC., Respondents



RONALD A. GALLAGHER, JR.
Deputy Insurance Commissioner
Commonwealth of Pennsylvania