# BEFORE THE INSURANCE COMMISSIONER OF THE 2010 NOV 18 F1112: 27 COMMONWEALTH OF PENNSYLVANIA

ACMERICANAS CERES

IN RE:

VIOLATIONS:

THE ACCURATE GROUP, LLC

40 P.S. §§ 310.11(20), 310.41a and

16325 Northcross Drive, Suite A

910-24.1

Huntersville, NC 28078

PAUL DOMAN 15485 Russell Road Chargin Falls, OH 44022

Respondents

Docket No. CO10-10-012

#### CONSENT ORDER

AND NOW, this / Pth day of Monember, 2010, 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. § 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, <u>supra</u>, or other applicable law.

### FINDINGS OF FACT

- 3. The Insurance Department finds true and correct each of the following Findings of Fact:
  - (a) Respondent is The Accurate Group, LLC, and maintains its headquarter address at 16325 Northcross Drive, Suite A, Huntersville, NC 28078.
  - (b) Co-Respondent is Paul Doman and maintains his address at 15485 Russell Road, Chargin Falls, OH 44022.
  - (c) At all times relevant hereto, Respondents have been a non-resident title agency and agent.
  - (d) Co-Respondent is the President of The Accurate Group, LLC.
  - (e) From August, 2008 through August, 2010, Co-Respondent knowingly allowed at least two unlicensed persons to submit multiple title insurance applications to the Respondent entity.

- (f) Co-Respondent was not present at the time of taking the applications.
- (g) Respondent and Co-Respondent have ceased from this activity and have taken corrective actions.

## **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) Respondents are subject to the jurisdiction of the Pennsylvania Insurance Department.
  - (b) 40 P.S. § 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.
  - (c) Respondents' activities described above in paragraph 3(e) violate 40 P.S. § 310.11(20).
  - (d) 40 P.S. § 310.41a prohibits any insurance entity or licensee accepting applications or orders for insurance from any person or securing any insurance

business that was sold, solicited or negotiated by any person acting without an insurance producer license.

- (e) Respondents' activities described above in paragraphs 3(e) constitute doing business with unlicensed people, in violation of 40 P.S. § 310.41a.
- (f) Respondents' violations of Sections 310.11(20) and 310.41.a are punishable by the following, under 40 P.S. § 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.
- (g) 40 P.S. §910-24.1 requires a title insurance agent to hold a valid certificate of qualification by the Insurance Department and must perform the acts listed in §724(a) under a written contract with a licensed title insurance company.
- (h) Respondents' activities described above in paragraph 3(e) violate 40 P.S. § 910-24.1.

(i) Respondents' violations of 40 P.S. §910-24.1 are punishable under §910-48:

Imposition a penalty of not more than \$500 for each violation, or a penalty of not more than \$5,000 for each willful violation, in addition to any other penalty provided by law.

#### **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 three (3) 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, <u>supra</u>, or other relevant provision of law.
- 8. 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.
- 9. Respondents hereby expressly waive 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:

PAUL DOMAN, individually and on behalf of THE ACCURATE GROUP, LLC,

Respondents

COMMONWEALTH OF PENNSYLVANIA

By: RONALD A. GALLAGHER, JR. Deputy Insurance Commissioner