

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

2012 JAN 26 PM 12:45
ADMIN HEARINGS OFFICE

IN RE:	:	VIOLATIONS:
	:	
SABRINA LEIANNA BROOKS	:	63 P.S. §§ 1606(a)(11) and (13)
1233 E. Barringer Street	:	
Philadelphia, PA 19119	:	Title 31, Pa Code §§115.19(1)
	:	and (3)
	:	
	:	
Respondent.	:	Docket No. CO12-01-005

CONSENT ORDER

AND NOW, this *26th* day of *January*, *2012*, 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. Respondent hereby admits and acknowledges that she has received proper notice of her 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. Respondent hereby waives all rights to a formal administrative hearing in this matter, and agrees 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.

FINDINGS OF FACT

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

Findings of Fact:

- (a) Respondent is Sabrina Leinanna Brooks and maintains her address at 1233 E. Barringer Street, Philadelphia, PA 19119.
- (b) Respondent currently holds a public adjuster solicitor license No. 571330, issued March 10, 2010, which expires on March 10, 2012.
- (c) On April 14, 2005, in the Commonwealth of Pennsylvania, Montgomery County Court of Common Pleas, Respondent was convicted of Theft by Unlawful Taking-Moveable Property, a Misdemeanor in the First Degree.
- (d) Respondent denied criminal convictions on her application for public adjuster solicitor license dated March 10, 2010.
- (e) On November 28, 2011, Respondent applied for a public adjuster license.
- (f) Respondent answered affirmatively to having a criminal conviction on her application for public adjuster.

- (g) In order to remedy this matter, Respondent has agreed to licensure with three (3) years supervision.

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) 63 P.S. §1606(a)(11) states that committing any of the following acts shall be grounds for fine, suspension or revocation of a public adjuster's or public adjuster solicitor's license: ... (11) Making a material misstatement in the application for any such license.
- (c) Respondent's activities described above in paragraph 3(d) violate 63 P.S. § 1606(a)(13).
- (d) 63 P.S. §1606(a)(13) states that committing any of the following acts shall be grounds for fine, suspension or revocation of a public adjuster's or public adjuster solicitor's license: ... (13) Has, in the judgment of the Insurance

Commissioner, demonstrated incompetency or untrustworthiness to transact the business of a public adjuster.

- (e) Respondent's activities described above in paragraphs 3(c) and 3(d) violate 63 P.S. § 1606(a)(13).
- (f) Respondent's violations of Sections 1606(a)(11) and (13) 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).
- (g) Title 31, Code, Section 115.19(1), states that the applicant may be denied a license if the applicant provides incorrect, misleading or incomplete answers to interrogatories on forms incidental to applying for a license.
- (h) Respondent's activities in paragraph 3(d) violate 31 Pa. Code § 115.19(1)
- (i) Title 31, Code, Section 115.19(3), states that the applicant may be denied a license if the applicant does not possess the professional competence and trustworthiness required to engage in the business of being a public adjuster or public adjuster solicitor.

- (j) Respondent's activities in paragraphs 3(c) and 3(d) violate 31 Pa. Code § 115.19(3).

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 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 her 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 she is worthy of a license.
- (e) In the event Respondent's 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 she is worthy of a license, Respondent's suspended 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, 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.

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.

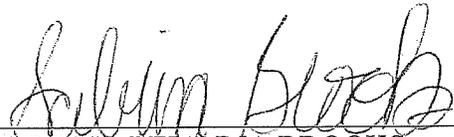
8. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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.

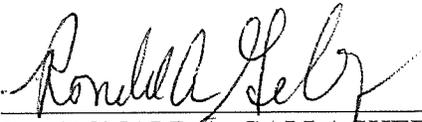
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

11. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or 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: 

SABRINA LEIANNA BROOKS,
Respondent



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