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INSURANCE DEPARTMENT

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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE: : VIOLATIONS:
: :
CHARLES P. CULMER : 63 P.S. § 1606(a)(13)
26 Marmont Circle : :
Darby, PA 19023 : :
Respondent. : Docket No. CO12-09-011

CONSENT ORDER

AND NOW, this *23rd* day of *October*, *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 he has received proper notice of his 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 Charles P. Culmer and maintains his address at 882 Matlack Street, Suite F, West Chester, PA 19380.
- (b) Respondent is, and at all times relevant hereto has been, a licensed public adjuster solicitor whose license expires on August 16, 2013.
- (c) On or around May 16, 2011, the Court of Common Pleas of Philadelphia, Pennsylvania, issued an Order to Deny/Suspend the Occupational/ Professional License(s) of Respondent for his failure to comply with a court order imposing a child support obligation.
- (d) On June 7, 2011, the Court of Common Pleas, Philadelphia, Pennsylvania, issued an Order to Reinstate Occupational/Professional License(s) and Respondent's licenses were reinstated.
- (e) On or around September 14, 2011, the Court of Common Pleas of Philadelphia, Pennsylvania, issued a second Order to Deny/Suspend the

Occupational/Professional License(s) of Respondent for failure to comply with a court order imposing a child support obligation.

- (f) On or around September 30, 2011, the Court of Common Pleas of Philadelphia, Pennsylvania, issued an Order to Reinstate Occupational/Professional License(s) and Respondent's licenses were reinstated.
- (g) On March 16, 2012, the Court of Common Pleas of Philadelphia, Pennsylvania, Docket Number 96-05888, issued a third Order to Deny/Suspend Occupational/Professional License(s) of Respondent for failure to comply with a court order imposing a child support obligation.
- (h) On August 16, 2012, the Court of Common Pleas of Philadelphia, Pennsylvania, Docket Number 96-05888, issued an Order to Reinstate the Occupational/Professional License(s) and Respondent's licenses were reinstated.

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)(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.
- (c) Respondent's activities described above in paragraphs 3(c), 3(e) and 3(g) violate 63 P.S. § 1606(a)(13).
- (d) Respondent's violation of Section 1606(a)(13) is 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

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) Upon demand by the Department, Respondent must provide full and timely proof of compliance with any support obligation or court order related thereto. Failure to do so shall, in and of itself, be basis for suspending and revoking respondent's licenses as provided for herein.

- (c) 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 five (5) years from the date of this Order.

- (d) 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.

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

(f) In the event Respondent's licenses are suspended pursuant to paragraph 5(c) 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 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:


CHARLES P. CULMER, Respondent


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

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA.

IN RE: The Act of April 9, 1929, P.L. 177, No. 175, known as The
Administrative Code of 1929

AND NOW, this 27th day of April, 2011, Ronald A.

Gallagher, Deputy Insurance Commissioner, is hereby designated as the Commissioner's
duly authorized representative for purposes of entering in and executing Consent Orders.

This delegation of authority shall continue in effect until otherwise terminated by a later
Order of the Insurance Commissioner.


Michael F. Consedine
Insurance Commissioner

