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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:
PHILIP J. BOYLE 124 Lathrop Street Kingston, PA 18704	:	40 P.S. §§ 310.11(5), (7), (20) and 910-24.2
CONTINENTAL LAND ABSTRACT SERVICES COMPANY, INC. 480 Pierce Street, Suite 211 Kingston, PA 18704	:	
Respondents.	:	Docket No. CO12-09-020

CONSENT ORDER

AND NOW, this 7th day of November, 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. 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, 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 Philip J. Boyle and maintains an address at 124 Lathrop Street, Kingston, PA 18704.

(b) Co-Respondent is Continental Land Abstract Services Company, Inc. and maintains an address at 480 Pierce Street, Suite 211, Kingston, PA 18704.

(c) Respondent and Co-Respondent were licensed as a title agent and agency at all relevant times.

(d) Respondent was the qualified acting officer of Co-Respondent.

(e) In July, 2007, Respondent and Co-Respondent accepted title insurance premium, however they failed to provide title insurance for a property located in Glen Lyon, PA.

(f) Respondent and Co-Respondent failed to identify two liens against the property.

(g) Respondent and Co-Respondent presented the Department with a title insurance policy that was determined to be fraudulent.

(h) Respondent and Co-Respondent filed an errors and omissions claim with their insurance carrier for the two outstanding liens against the property.

(i) The errors and omissions carrier satisfied the two outstanding liens.

(j) The lien release notices were sent to the Luzerne County Courthouse and recorded.

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(5) prohibits a licensee or an applicant from intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance.

(c) Respondents' activities described above in paragraphs 3(e) through 3(g) violate 40 P.S. § 310.11(5).

(d) 40 P.S. § 310.11(7) prohibits a licensee or an applicant from using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of doing business.

(e) Respondents' activities described above in paragraphs 3(e) through 3(g) violate 40 P.S. § 310.11(7).

(f) 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.

(g) Respondents' activities described above in paragraphs 3(e) through 3(i) violate 40 P.S. § 310.11(20).

(h) Respondents' violations of Sections 310.11(5), (7) and (20) are punishable by the following, under 40 P.S. § 310.91:

(i) suspension, revocation or refusal to issue the 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.

(i) 40 P.S. § 910-24.2 requires that title agents shall assume financial responsibility for all of the acts which the agent was appointed to perform by the title insurance company.

(j) Respondents' activities described above in paragraphs 3(c) through 3(j) violate 40 P.S. § 910-24.2.

(k) Respondents' violations of 40 Purdons Statutes, Section 910-24.2 are punishable under Section 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 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 PA Insurance Department, Commonwealth of Pennsylvania. Payment should be directed to April Phelps, Bureau of Licensing and 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 thirty (30) days after the date of the Consent Order.

(c) Respondent shall make restitution to the insurer of title insurance premium in the amount of $420.00 on or before thirty (30) days after the date of the Consent Order. Respondent shall make restitution to persons other than insurer if the Deputy Commissioner identifies such persons and determines that restitution is owed to them by Respondent. Proof of restitution payment shall be provided to the Insurance Department by Respondent.

(d) 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.

(e) Respondents specifically waive 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.

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

(g) In the event Respondents' licenses are suspended pursuant to paragraph 5(d) 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 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, supra, 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.

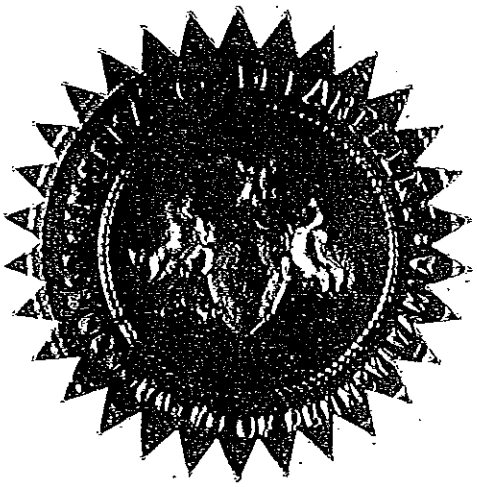
11. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or a duly authorized delegee is authorized to bind the Insurance Department with respect to the settlement of the alleged violations of law contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or a duly authorized delegee.

BY: _____
PHILIP J. BOYLE, individually and on behalf of CONTINENTAL LAND ABSTRACT SERVICES COMPANY, INC., Respondents

_____
COMMONWEALTH OF PENNSYLVANIA
By: RONALD A. GALLAGHER, JR.
Deputy Insurance Commissioner

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