

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

2010 MAR 31 AM 11:10
ADMINISTRATIVE OFFICE

IN RE:	:	VIOLATIONS:
	:	
LAWRENCE BREault	:	63 P.S. §§ 1602(b)
406 Chelsea Road	:	
Fairless Hills, Pennsylvania 19030	:	Title 31, Pa. Code, §§ 115.19(3)
	:	and (4)
	:	
	:	
Respondent.	:	Docket No. CO10-01-003

CONSENT ORDER

AND NOW, this *31st* day of *March*, 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. 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 Lawrence Breault, and maintains his address at 406 Chelsea Road, Fairless Hills, Pennsylvania 19030.
- (b) Respondent does not possess a public adjuster solicitor license.
- (c) On June 23, 2004, in the Court of Common Pleas of Bucks County, Respondent pled guilty to four (4) counts of Possession Of A Controlled Substance With The Intent To Deliver (Felony), four (4) counts of Delivery Of A Controlled Substance (Felony), and three (3) counts Illegal Sale Of A Controlled Substance (Felony).
- (d) Respondent was sentenced to three to six years at a State Correction Facility. He served three (3) years and was released to parole/probation until October 18, 2010.

- (e) Respondent was also sentenced with five (5) years special probation after the completion of his sentence. This period of special probation is scheduled to end on October 18, 2015.
- (f) On August 18, 2009, Respondent initiated an application for an initial resident Public Adjuster Solicitor license, wherein he disclosed his aforementioned criminal history.
- (g) Respondent owes approximately \$15,000 in fines and fees.
- (h) January 4, 2010, Respondent agreed to licensure with seven (7) years of licensure 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. § 1602(b) provides that the commissioner may issue a license to an applicant who is trustworthy and competent.

- (c) Respondent's activities in paragraphs 3(c) through 3(e) violate 63 P.S. §1602(b) and reflect on his trustworthiness to transact business as a public adjuster.
- (e) Title 31, Pennsylvania 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.
- (f) Respondent's activities in paragraphs 3(c) through 3(e) violate 31 Pa. Code § 115.19(3).
- (g) Title 31, Pennsylvania Code, Section 115.19(4), states that the applicant may be denied a license if the applicant has pleaded guilty, entered a plea of nolo contendere or has been found guilty of a felony in a court of competent jurisdiction, or has pleaded guilty, entered a plea of nolo contendere, or been found guilty of criminal conduct, which relates to the applicant's suitability to engage in the business of being a public adjuster or public adjuster solicitor.
- (h) Respondent's activities in paragraphs 3(c) violate 31 Pa. Code § 115.19(4).

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 seven (7) years from the date of this Order.
- (c) Respondent 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 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, 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: Lawrence Breault
LAWRENCE BREault, Respondent

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