

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

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INSURANCE DEPARTMENT
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ADMIN HEARINGS OFFICE

IN RE: : VIOLATIONS:
: :
CHARLES A. MOLTER, doing business : Sections 6(a)(13) and (d) of the Act
as CLAIMASTERS PUBLIC : of December 20, 1983, P.L. 260,
ADJUSTERS, INC. : No. 72 (63 P.S. § 1606(a)(13)(d))
9924 Crestmont Avenue :
Philadelphia, PA 19114 :
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: :
Respondents. : Docket No. CO06-~~12~~¹¹-016

CONSENT ORDER

AND NOW, this *16th* day of *March*, 2007, this Order is hereby issued by the Deputy Insurance Commissioner of the Commonwealth of Pennsylvania pursuant to the statutes cited above and in disposition of the matter captioned above.

1. Respondents hereby admit and acknowledges that they has 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 Deputy Insurance Commissioner finds true and correct each of the following Findings of Fact:

- (a) Respondents are Charles A. Molter, doing business as Claimasters Public Adjusting, Incorporated, and both maintain an address at 9924 Crestmont Avenue, Philadelphia, Pennsylvania 19114.
- (b) At all relevant times herein, Respondent Molter has been a licensed Public Adjuster in Pennsylvania whose license expires January 17, 2007.
- (c) At all relevant times herein, Respondent Claimasters has held a Public Adjuster license in Pennsylvania which license expires on February 26, 2007.
- (d) From approximately March, 2001 until October, 2005, Respondent Molter allowed David V. Wade, acting as a public adjuster, to adjust more than 14 insurance claims for Respondent Claimasters without being properly licensed to do so.

- (e) David Wade's Public Adjuster license expired on November 18, 2000, and the Department placed a "hold" on his Public Adjuster license on February 15, 2002.

CONCLUSIONS OF LAW

4. In accord with the above Findings of Fact and applicable provisions of law, the Deputy Insurance Commissioner concludes and finds the following Conclusions of Law:

- (a) Respondents are subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) Section 6(a)(13) of the Public Adjusters Act (63 P.S. § 1606(a)(13)) states licensee has, in the judgment of the Insurance Commissioner, demonstrated his incompetency or untrustworthiness to transact the business of a public adjuster.
- (c) Respondents' activities described above in paragraphs 3(d) through 3(e) violate Section 1606(a)(13) of the Public Adjuster's Act (63 P.S. § 1606(a)(13)).
- (d) Section 6(d) of the Public Adjuster Act (63 P.S. § 1606(d)) requires public adjuster or public adjuster solicitors employing, or using the services of, any person to solicit business shall be held fully responsible for the conduct of that

person in connection with business dealings, including, but not limited to, making certain that such person has a valid license as a public adjuster or public adjuster solicitor.

- (e) Respondents' activities in paragraphs 3(d) and (e) constitute employing and utilizing the services of an unlicensed individual, in violation of Section 1606(d) of the Public Adjuster Act (63 P.S. § 1606(d)).
- (f) Respondents' violations of Sections 6(a)(13) and(d) are punishable by the following, under Section 6(b) of the Public Adjusters Act: The Insurance Commissioner may impose a penalty of not more than \$1,000 for every violation of this Act.

ORDER

5. In accord with the above Findings of Fact and Conclusions of Law, the Deputy Insurance Commissioner 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 Nine Thousand Dollars (\$9,000.00) to the Commonwealth of Pennsylvania. Payment of this penalty shall be made by

certified check or money order, payable to the Commonwealth of

Pennsylvania. Payment should be directed to Sharon L. Fraser, Bureau of 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) Respondents' certificates and licenses may be immediately suspended by the Department following its investigation and determination that (i) penalty payment has not been made, or (ii) any other terms of this Order have not been complied with, or (iii) 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.
- (d) 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.
- (e) At the hearing referred to in paragraph 5(d) of this Order, Respondents shall have the burden of demonstrating that they are worthy of a license.

(f) In the event Respondents' certificates and licenses are suspended pursuant to paragraph 5(c) 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 certificates and licenses shall be revoked

6. In the event the Deputy Insurance Commissioner 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.

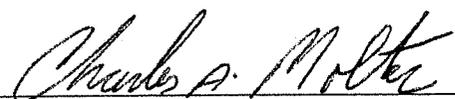
7. Alternatively, in the event the Deputy Commissioner finds that there has been a breach of any of the provisions of this Order, the Deputy Commissioner may declare this Order to be null and void and, thereupon, reopen the entire matter for appropriate action pursuant to the Administrative Agency Law, 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 Deputy Insurance Commissioner. Only the Insurance Commissioner or the duly authorized Deputy Insurance Commissioner 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 Commissioner or the duly authorized Deputy Insurance Commissioner.

BY: 
CHARLES A. MOLTER, doing business
as CLAIMASTERS PUBLIC
ADJUSTING, INC., Respondent


COMMONWEALTH OF PENNSYLVANIA
By: Terrance A. Keating
Deputy Chief Counsel