

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

RECEIVED  
INSURANCE DEPARTMENT  
2011 APR -4 AM 11:40  
ADMIN HEARINGS OFFICE

IN RE: : VIOLATIONS:  
: :  
MARC J. GROSSMAN, d/b/a : 63 P.S. § 1606(a)(10) and (13)  
PROPERTY LOSS CONSULTANTS :  
10 Lombardy Circle :  
Lafayette Hill, PA 19444 :  
Respondent. : Docket No. CO11-02-010

CONSENT ORDER

AND NOW, this *4th* day of *April*, *2011*, 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 Marc J. Grossman, doing business as Property Loss Consultants, and maintains his address at 10 Lombardy Circle, Lafayette Hill, PA 19444.
- (b) At all relevant times herein, Respondent has held a public adjuster license number 141288 to transact the business as a public adjuster in Pennsylvania.
- (c) On August 24, 2009, Respondent's public adjuster license was "SUSPENDED" by the Department for a six (6) month period via Consent Order at Docket No. CO09-05-001.
- (d) Per the above Consent Order, Respondent was prohibited to act in the capacity as a public adjuster for not less than the aforementioned six (6) month period.
- (e) On January 26, 2010, Respondent, acting in the capacity as a public adjuster, submitted an Accord Property Loss Notice to Independent Insurance Advisors on behalf of 3039 B Street Associates, Inc. (the Insured), with Lexington Insurance Company.

(f) On February 22, 2010, Respondent, acting in the capacity as a public adjuster, conducted an inspection of the premises of 3039 B Street Associates, Inc. with Crawford & Company's Property General Adjuster Kyle Cheney regarding the aforementioned loss claim.

(g) Respondent's above actions violated the terms of his suspension with the Department.

#### 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)(10) 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: ... (10) Violation of any provision of this act or any rule or regulation promulgated, published and adopted there under.

- (c) Respondent's activities described above in paragraphs 3(e) through 3(g) violate 63 P.S. § 1606(a)(10).
- (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(e) through 3(g) violate 63 P.S. § 1606(a)(13).
- (f) Respondent's violations of Sections 1606(a)(10) 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).

#### 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 shall pay a civil penalty of One Thousand Dollars (\$1,000.00) 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, Manager, 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'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) additional years from the date of the expiration of his previous license supervision which commenced on February 25, 2010. Accordingly, Respondent will be under license supervision until February 25, 2018.

- (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:



MARC J. GROSSMAN, d/b/a  
PROPERTY LOSS CONSULTANTS,  
Respondent



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