

RECEIVED
INSURANCE DEPARTMENT

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

2009 MAR 11 AM 10:57

ADMIN HEARINGS OFFICE

IN RE:	:	VIOLATIONS:
	:	
LAURENCE J. LAVINS	:	63 Purdon's Statutes, Section
7508 Woodbine Avenue	:	1606(a)(13)
Philadelphia, Pennsylvania 19151	:	
	:	
Respondent.	:	Docket No. CO08-09-013

CONSENT ORDER

AND NOW, this *11th* day of *March*, 2009, 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.

3. Without admitting the allegations of fact and conclusions of law contained herein, Respondent specifically denies that it violated any law or regulation of the Commonwealth.

FINDINGS OF FACT

4. The Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Respondent is Laurence J. Lavins, maintaining an address at 7505 Woodbine Avenue, Philadelphia, Pennsylvania 19151.
- (b) Respondent has an active public adjuster license #126499 that expires on June 24, 2009.
- (c) On December 4, 2007, James M. Sherman, trading as J.B. Adjustment Service, Inc., 18 Summit Drive, Bryn Mawr, Pennsylvania 19010, left for Pompano Beach, Florida for the winter.
- (d) At all times relevant, James M. Sherman had an active public adjuster license #142353 that expires on January 7, 2009.

- (e) At all times relevant, J.B. Adjustment, Inc. had an active public adjuster license #54024 that expires on September 16, 2008.
- (f) On or about December 4, 2007, Respondent was approached by Barry Sherman, trading as J.B. Adjustment, Inc. Barry Sherman's license as a Public Adjuster was placed in an inactive status due to an Order to Show Cause.
- (g) At all times relevant, Barry Sherman had an inactive public adjuster license #139867 that expired on January 7, 2002 due to an Order to Show Cause.
- (h) Respondent admitted that from December 4, 2007 to April 1, 2008, on four occasions, he represented himself for Barry Sherman on James Sherman's behalf, while conducting appraisals.
- (i) Respondent asserted that Barry Sherman did the estimating and Respondent was a figurehead to lend legitimacy to the four appraisals conducted by Barry Sherman on behalf of J.B. Adjustment, Inc.
- (j) Respondent has admitted that he was compensated for his services by Barry Sherman on behalf of J.B. Adjustment, Inc.

CONCLUSIONS OF LAW

5. 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 Purdon's Statutes, Section 1606(a)(13) regulates the licensing and activities of public adjusters and public solicitors in the Commonwealth of Pennsylvania.
- (c) Respondent's violations of Section 1606(a)(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

6. 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 immediately surrender all licenses to conduct the business of insurance within the Commonwealth of Pennsylvania as of the date of this Consent Order.

- (c) If Respondent should ever become licensed in the future, his 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 (ii) above is limited to a period of five (5) years from the date of issuance of such certificates and licenses.

- (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 6(d) of this Order, Respondent shall have the burden of demonstrating that he is worthy of an insurance certificate and license.

(f) In the event Respondent's certificates and licenses are suspended pursuant to paragraph 6(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 certificate and license, Respondent's suspended certificates and licenses shall be revoked.

7. 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.

8. 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.

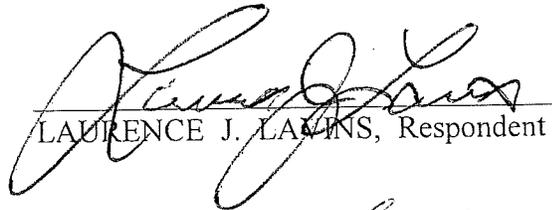
9. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

10. Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

11. 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.

12. 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:


LAURENCE J. LAVINS, Respondent


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