

BEFORE THE INSURANCE COMMISSIONER  
OF THE  
COMMONWEALTH OF PENNSYLVANIA

RECEIVED  
INSURANCE DEPARTMENT  
2009 OCT 19 AM 8:59  
ADMINISTRATIVE OFFICE

IN RE: : VIOLATIONS:  
: :  
METRO PUBLIC ADJUSTMENT, INC. : 63 Purdon's Statutes, Section  
3551 Bristol Pike : 1606(a)(10)  
Bensalem, Pennsylvania 19020 :  
: :  
: :  
Respondent. : Docket No. CO09-06-021

CONSENT ORDER

AND NOW, this *19<sup>th</sup>* day of *October*, 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, through Steven J. McCaffrey, President and Qualified Active Officer of Respondent, hereby admits and acknowledges that it has received proper notice of its 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, through Steven J. McCaffrey, President and Qualified Active Officer of 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, Metro Public Adjustment, Inc., maintains a business address at 3551 Bristol Pike, Bensalem, Pennsylvania 19020.
- (b) Respondent, Metro Public Adjustment, Inc. has an active public adjuster license No. 24142, which expires on December 30, 2009.
- (c) On May 11, 2004, the Pennsylvania Insurance Department issued license No. 337520 to Jamal Abu Talib, as a Public Adjuster Solicitor.
- (d) On or about May 11, 2004, Jamal Abu Talib was employed by Respondent as a Public Adjuster Solicitor.

- (e) Between May 26, 2008 and April 5, 2009, on sixteen (16) occasions, Public Adjuster Solicitor, Jamal Abu Talib, while employed by Respondent, acted as a Public Adjuster in adjusting claims with insurance carriers without the benefit of a Public Adjuster's license.
- (f) In early April 2009, Respondent was notified by the Department that Jamal Abu Talib was not properly licensed as a Public Adjuster.
- (g) On April 16, 2009 Respondent had Jamal Abu Talib become properly licensed as a Public Adjuster No. 548165.
- (h) In early April 2009, Respondent reassigned the sixteen (16) Metro files to Public Adjuster Underkoffler, Pennsylvania License No. 135638.
- (i) On June 5, 2009, Respondent informed the Department this was an oversight, that Jamal Abu Talib and Respondent, Metro Public Adjustment, Inc. thought Jamal Abu Talib had a full Public Adjuster license.

#### 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)(10) states that public adjusters or public adjuster solicitors who violate any provision of this act or any rule or regulation promulgated, published and adopted thereunder, shall be grounds for fine, suspension or revocation of their public adjuster license.
  
- (c) Respondent's activities in paragraph 4(e) violate 63 Purdon's Statutes, Section 1606(a)(10).
  
- (g) Respondent's violations of Section 1606(a)(10) are punishable by a fine, suspension and revocation of licenses under Section 1606(a) and the following, under 63 Purdon's 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 Purdon's Statutes, Section 1606(b).

ORDER

6. In accord with the above Findings of Fact and Conclusions of Law, the Insurance Department orders and Respondents consent 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 Fifteen Thousand Dollars (\$15,000.00) 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 April Phelps, Bureau Secretary, 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 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 Respondents are 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) 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.

(e) At the hearing referred to in paragraph 6(d) of this Order, Respondent shall have the burden of demonstrating that it is worthy of a 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 it is worthy of a 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.

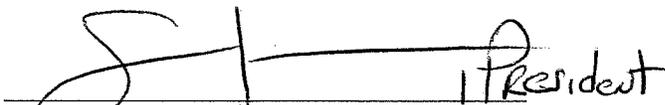
9. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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:  President  
STEVEN J. MCCAFFREY, on behalf of  
METRO PUBLIC ADJUSTMENT, INC.,  
Respondent

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