

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

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ADMINISTRATIVE OFFICE

IN RE: : VIOLATIONS:
: :
JOSEPH R. MOORE, SR. : 63 P.S. §§ 1604(a), 1606(5),
4100 Robbins Avenue : 1606(12) and 1606(a)(13)
P.O. Box 8952 :
Philadelphia, Pennsylvania 19135 :
: :
and : :
: :
STATEWIDE PUBLIC : :
ADJUSTERS, INC. : :
4100 Robbins Avenue : :
P.O. Box 8952 : :
Philadelphia, Pennsylvania 19135 : :
: :
Respondents. : Docket No. CO10-01-008

CONSENT ORDER

AND NOW, this *9th* day of *July*, *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. Respondents hereby admit and acknowledge that they have received proper notice of their 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. 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 Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Respondent is Joseph R. Moore, Sr., and maintains his address at 4100 Robbins Avenue, P.O. Box 8952, Philadelphia, Pennsylvania 19135.
- (b) Co-Respondent is Statewide Public Adjusters, Inc., 4100 Robbins Avenue, P.O. Box 8952, Philadelphia, Pennsylvania 19135.
- (c) Respondent Joseph R. Moore, Sr. is the President and Qualifying Active Officer for Co-Respondent, Statewide Public Adjusters, Inc.
- (d) Respondent Joseph R. Moore has an active public adjuster license No. 141493, which expires on April 9, 2010.

- (e) Co-Respondent Statewide Public Adjusters, Inc. has an active public adjuster license No. 24308, which expires on June 19, 2010.
- (f) Respondent Joseph R. Moore, Sr.'s license history reflects that his bond with National Grange Mutual Insurance Company expired on March 25, 2006.
- (g) Co-Respondent Statewide Public Adjusters, Inc. license history reflects that its business bond expired on March 25, 2006.
- (h) On April 2, 2009, Co-Respondent notified claimants Patrick and Dion A., that their carrier was offering a final settlement regarding their property claim. The claimants were informed by Respondent that a final settlement check of the claim resulted in a payment to them of \$2,748.91.
- (i) On or about April 14, 2009, the claimants went to United Check Cashing, 1142 Franklin Mills Circle, Philadelphia, Pennsylvania and presented Co-Respondent's (Escrow Account) check No. 391 endorsed by Respondent as President of the company, in the amount of \$2,748.91.
- (j) On or about April 14, 2009, United Check Cashing cashed check No. 391 for a fee and presented the check to TD Bank for deposit. United Check Cashing asserted that the check was returned by TD Bank for insufficient funds, because the I.R.S. placed a tax lien against Moore's assets.

(k) On June 9, 2009, United Check Cashing petitioned Small Claims Court for the County of Philadelphia, and a judgment has been placed against Co-Respondent in the amount of \$2,748.91.

(l) As of January 11, 2010, neither Respondent nor Co-Respondent have made United Check Cashing whole for the claimants' insurance check.

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) Respondents are subject to the jurisdiction of the Pennsylvania Insurance Department.

(b) 63 P.S. § 1604(a) states that each person, partnership, association or corporation receiving a public adjuster's license shall, before transacting any business thereunder, execute and deliver to the Department a bond in the minimum penal sum of \$40,000 with such sureties as the Department may approve.

- (c) Respondents' activities in paragraphs 3(f) and 3(g) violate 63 P.S. § 1604(a).
- (d) 63 P.S. § 1606(a)(5) states that a public adjuster or public adjuster solicitor who misappropriates or convert to their own use or improperly withholds moneys held on behalf of another party to the contract, may be fined or face suspension or revocation of their public adjuster license.
- (e) Respondents' activities in paragraphs 3(j) through 3(l) violate 63 P.S. § 1606(a)(5).
- (f) 63 P.S. § 1606(a)(12) states that public adjusters or public adjuster solicitors who engage in the commission of fraudulent practices, shall be subject to a fine, suspension or revocation of their public adjuster license.
- (g) Respondents' activities in paragraphs 3(j) through 3(l) violate 63 P.S. § 1606(a)(12).
- (h) 63 P.S. § 1606(a)(13) states that public adjusters or public adjuster solicitors who demonstrate incompetency or untrustworthiness to transact the business of a public adjuster shall be subject to a fine, suspension or revocation of their public adjuster license.

- (i) Respondents' activities in paragraphs 3(j) through 3(l) violate 63 P.S. § 1606(a)(13).

- (j) Respondents' violations of Sections 1606(5), (12) and (a)(13) are punishable by a fine, suspension and revocation of licenses under Section 1606(a) and the following, under 63 P.S. § 1606(b): The Insurance Commissioner may impose a penalty of not more than \$1,000 for every violation of this Act under 63 P.S. § 1606(b).

ORDER

5. In accord with the above Findings of Fact and Conclusions of Law, the Insurance Department 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) All licenses/certificates of Respondents to do the business of insurance are hereby revoked.

- (c) If Respondents should ever become licensed in the future, their 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 issuance of such certificates and licenses.

- (d) Respondents specifically waive their rights 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 an insurance certificate and 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 certificate and license, Respondents' 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.

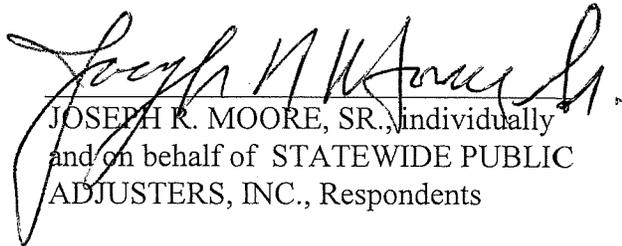
8. In any such enforcement proceeding, Respondents may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

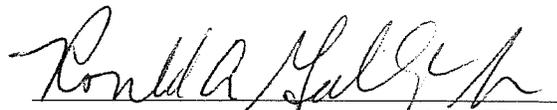
9. Respondents hereby expressly waive any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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 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:


JOSEPH R. MOORE, SR., individually
and on behalf of STATEWIDE PUBLIC
ADJUSTERS, INC., Respondents


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