RECEIVED
INSURANCE DEPARTMENT
NOV 20 2012 1:52 pm
ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
CHARLES F. QUINN, IV 3655 Whitehall Lane Philadelphia, PA 19114	: : :	63 P.S. § 1606(a)(2), 1606(a)(12) and 1606(a)(13)
	:	
Respondent.	:	Docket No. CO12-10-004

CONSENT ORDER

AND NOW, this 20TH day of NOVEMBER 2012, 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 Charles F. Quinn, IV, and maintains his address at 3655 Whitehall Lane, Philadelphia, PA 19114.

(b) At all relevant times herein, Respondent has held a public adjuster license to conduct the business of adjusting claims for losses or damages in Pennsylvania.

(c) At all relevant times herein, Respondent was employed by Shubert Public Adjusters located at 972 Bristol Pike, Bensalem, PA 19020.

(d) On at least two occasions in 2011, Respondent endorsed the name of an insured and mortgage company on insurance settlement checks without the knowledge, consent or authorization of either the insured or mortgage company.

(e) The insured has been made whole by Respondent's employer in the amount of $6,573.70.

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)(2) states that a public adjuster or public adjuster solicitor who engages in, or attempts to engage in, any fraudulent transaction with respect to a claim or loss that licensee is adjusting, may be fined or face suspension or revocation of their public adjuster license.

(c) Respondent's activities in paragraph 3(d) violate 63 P.S. § 1606(a)(2).

(d) 63 P.S. § 1606(a)(12) states that public adjusters or public adjuster solicitors who demonstrate the commission of fraudulent practices, shall be grounds for fine, suspension or revocation of their public adjuster license.

(e) Respondent's activities in paragraph 3(d) violate 63 P.S. § 1606(a)(12).

(f) 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.

(g) Respondent's activities described above in paragraph 3(d) violate 63 P.S. § 1606(a)(13).

(h) Respondent's violations of Sections 1606(a)(2), 1606(a)(12) and 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

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 PA Insurance Department, Commonwealth of Pennsylvania. Payment should be directed to April Phelps, 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 five (5) years from the date of this Order.

(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.

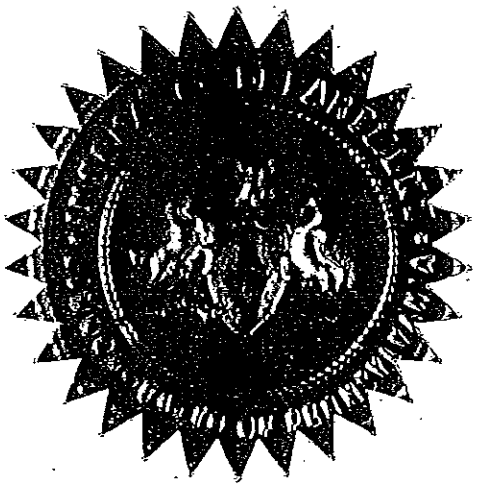
11. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or the duly authorized delegee is authorized to bind the Insurance Department with respect to the settlement of the alleged violation of law contained herein, and this Consent Order is not effective until executed by the Insurance Department or a duly authorized delegee.

BY: _____
CHARLES F. QUINN, IV, Respondent

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

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE: The Act of April 9, 1929, P.L. 177, No. 175, known as The Administrative Code of 1929

AND NOW, this 27th day of April, 2011, Ronald A. Gallagher, Deputy Insurance Commissioner, is hereby designated as the Commissioner's duly authorized representative for purposes of entering in and executing Consent Orders. This delegation of authority shall continue in effect until otherwise terminated by a later Order of the Insurance Commissioner.

Michael F. Consedine
Insurance Commissioner