

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

RECEIVED
INSURANCE DEPARTMENT
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ADMINISTRATIVE OFFICE

IN RE:	:	VIOLATIONS:
	:	
GLENN RANDALL	:	Section 611-A(20) of Act 147 of
1511 Norristown Road	:	2002 (40 P.S. § 310.11)
Ambler, PA 19002, and	:	
	:	Section 737(h) of the Insurance
LEXINGTON & CONCORD SEARCH	:	Company Law (40 P.S. § 910-34)
& ABSTRACT, LLC	:	
654 Red Lion Road	:	
Huntingdon Valley, PA 19006	:	
	:	
Respondents.	:	Docket No. CO05-06-019

CONSENT ORDER

AND NOW, this *26th* day of *July*, 2005, this Order is hereby issued by the Deputy Insurance Commissioner 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. § 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. Respondents neither admit nor contest the findings herein.

FINDINGS OF FACT

3. The Deputy Insurance Commissioner finds true and correct each of the following Findings of Fact:

- (a) Respondent is Glenn Randall, and maintains his address at 1511 Norristown Road, Ambler, Pennsylvania 19002.
- (b) Respondent Randall has an active individual resident producer license number 292480 that expires on September 11, 2005, and is the qualifying active officer of Lexington & Concord Search & Abstract, LLC.
- (c) Respondent is Lexington & Concord Search & Abstract, LLC, and maintains a business address at 654 Red Lion Road, Huntingdon Valley, Pennsylvania 19006.

- (d) Respondent Lexington & Concord has an active resident agency license #63740.
- (e) On July 19, 2004, Respondents conducted a real estate settlement for Polina Sheyfer and Gregory Rubinstein of Philadelphia, Pennsylvania.
- (f) As part of the settlement, Respondents prepared a settlement statement sheet, file number LC-1165JM, which reflected "Government Recording and Transfer Charges" of \$240.00.
- (g) The recording fees in the City of Philadelphia are: a deed cost of \$74.50 and a mortgage cost of \$69.50, for a total of \$144.00; however, the deed for the above insureds reflected a charge of \$240.00.
- (h) Respondents have been cooperative with the Department during the course of this investigation and have agreed to return all excess fees to the insureds.

CONCLUSIONS OF LAW

4. In accord with the above Findings of Fact and applicable provisions of law, the Deputy Insurance Commissioner concludes and finds the following Conclusions of Law:

- (a) Respondents are subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) Section 611-A(20) of Act 147 of 2002 prohibits a licensee from demonstrating a lack of general fitness, competence or reliability sufficient to satisfy the department that the licensee is worthy of licensure (40 P.S. § 310.11).
- (c) Respondents' activities described above in paragraphs 3(e) through 3(g) violates Section 611-A(20) of Act 147 of 2002.
- (d) Respondents' violations of Section 611-A(20) of Act 147 of 2002 are punishable by the following, under Section 691-A of Act 147 of 2002 (40 P.S. § 310.91):
 - (i) suspension, revocation or refusal to issue the certificate of qualification or license;
 - (ii) imposition of a civil penalty not to exceed five thousand dollars (\$5,000.00) for each violation of the Act;
 - (iii) an order to cease and desist; and
 - (iv) any other conditions as the Commissioner deems appropriate.

- (e) Section 737(h) of the Insurance Company Law (40 P.S. § 910-37(h)) provides that no title insurance company or agent of a title insurance company shall charge any fee for any policy or contract of title insurance except in accordance with the filing or rates which are in effect for said title insurance company.

- (f) Respondents' activities described above in paragraphs 3(e) through 3(g) constitute charging an unapproved fee for policies or contracts of title insurance, and violate Section 737 of the Insurance Company Law.

- (g) Respondents' violations of Section 737(h) of the Insurance Company Law are punishable by the following, under Section 748 of the Insurance Company Law:
 - (i) The commissioner may impose a penalty of not more than \$500 for each violation, or if the violation is found to be wilful, a penalty of not more than \$5,000 for each violation;

 - (ii) The commissioner may suspend the license of any rating organization or title insurance company which fails to comply with an order of the commissioner;

- (iii) No penalty shall be imposed and no license suspended or revoked except by order of the commissioner made after a hearing.

ORDER

5. In accord with the above Findings of Fact and Conclusions of Law, the Deputy Insurance Commissioner orders and Respondent consents 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) Respondents' 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 this section is limited to a period of three (3) years from the date of this Order.
- (c) 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.

(d) At the hearing referred to in paragraph 5(c) of this Order, Respondents shall have the burden of demonstrating that they are worthy of a license.

(e) In the event Respondents' certificates and licenses are suspended pursuant to paragraph 5(b) 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 license, Respondents' suspended certificates and licenses shall be revoked.

6. In the event the Deputy Insurance Commissioner 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, the Department may pursue any and all legal remedies available, including but not limited to the following: 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; or, if applicable, the Department may enforce the provisions of this Order in any other court of law or equity having jurisdiction.

7. Alternatively, in the event the Deputy Commissioner finds that there has been a breach of any of the provisions of this Order, the Deputy Commissioner 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.

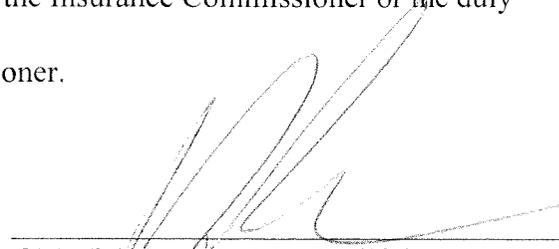
9. Respondents hereby expressly waive any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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 Deputy Insurance Commissioner. Only the Insurance Commissioner or the duly authorized Deputy Insurance Commissioner 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 Commissioner or the duly authorized Deputy Insurance Commissioner.

BY:



GLENN RANDALL, Qualifying Active
Officer of LEXINGTON & CONCORD
SEARCH & ABSTRACT, LLC,
Respondents



RANDOLPH L. ROHRBAUGH
Deputy Insurance Commissioner
Commonwealth of Pennsylvania