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INSURANCE DEPARTMENT
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ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
EDWARD J. ROSENBURG 205 Pond Street, Apt. #1504 Bristol, PA 19007-4938	:	63 P.S. §§ 856(5) and (6)
Respondent.	:	Docket No. CO11-11-009

CONSENT ORDER

AND NOW, this 13th day of December, 2011, 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 it has received proper notice of its rights to a formal administrative hearing pursuant to the Administrative Agency Law, 2 Pa.C.S. § 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 Edward J. Rosenburg, who maintains his residence at 205 Pond Street, Apt. #1504, Bristol, PA 19007-4938.

(b) Respondent has an active motor vehicle physical damage appraiser license No. 138021, which expires on June 30, 2012.

(c) On March 28, 2011, Respondent was arrested in Bristol Township, Pennsylvania for Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a Controlled Substance and Criminal Conspiracy and failed to notify the Department.

(d) On June 30, 2011, the Respondent's license renewal application for his motor vehicle physical damage appraiser reflects a "No" answer for the question: do you currently have pending misdemeanor or felony charges filed against you.

(e) On October 3, 2011, the Respondent before the Honorable Jeffrey L. Finley, in the Court of Common Pleas for Bucks County, Pennsylvania,

plead guilty to Manufacture, Delivery or Possession with Intent to Manufacture or Deliver a controlled Substance and Criminal conspiracy, both Felonies. Respondent failed to notify the Department of the convictions.

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. § 856(6), states the Commissioner may deny initial issuance of, suspend, revoke or refuse to renew any appraiser's license if the licensee obtained his license through willful misrepresentation or fraud, or has shown himself to be incompetent, untrustworthy, or a source of injury and loss to the public.

(c) Respondent's activities described above in paragraphs 3(c) through 3(e) violate 63 P.S. § 856(6).

(d) 63 P.S. § 861(f)(1), requires every appraiser to conduct himself in such a manner as to inspire public confidence by fair and honorable dealings.

(e) Respondent's activities described above in paragraphs 3(c) through 3(e) violate 63 P.S. § 861(f)(1).

(f) Respondent's violations of 63 P.S. §§ 856(6) and 861(f)(1) are punishable b y the following, under 63 P.S. § 856:

(i) The commissioner may suspend or revoke any appraiser's license for any of the following causes:

(1) If the licensee willfully violates, fails to comply with, or knowingly participates in the violation of or failure to comply with any provision of this act or regulation promulgated thereunder.

(2) If the licensee has materially misrepresented the terms of any insurance contract or has engaged in any fraudulent transaction.

(3) If the licensee has shown himself to be incompetent or untrustworthy.

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'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 (3) years from the date of this Order.

(c) 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.

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

(e) In the event Respondent's licenses are suspended pursuant to paragraph 5(b) 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, 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 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.

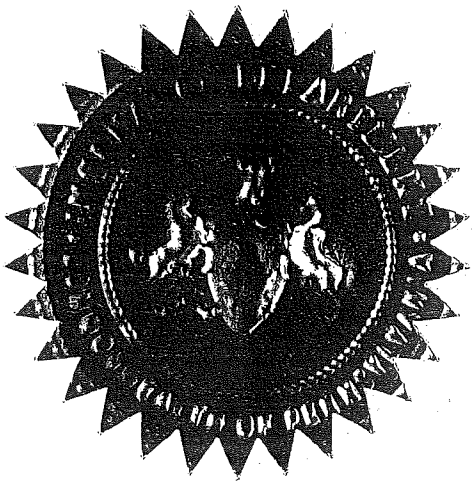
11. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or the duly authorized delegee is authorized to bind the Insurance Department with respect to the settlement of the alleged violation of law contained herein, and this Consent Order is not effective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

BY: _____
EDWARD J. ROSENBURG, Respondent

_____
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