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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:
TRESSLER LUTHERAN SERVICES	:	40 Purdons Statutes, Section 3204(a)
798 Hausman Road	:	
Allentown, PA 18104	:	
	:	
Respondent.	:	Docket No. CO06-03-050

CONSENT ORDER

AND NOW, this *10<sup>th</sup>* day of *May*, 2006, 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. 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.

3. Respondent neither admits nor denies the Findings of Fact or Conclusions of Law contained herein.

#### FINDINGS OF FACT

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

- (a) Respondent is Tressler Lutheran Services and maintains its address at 798 Hausman Road, Allentown, Pennsylvania 18104.
- (b) At all relevant times herein, Respondent held a valid Certificate of Authority to operate as a Continuing Care Retirement Community.
- (c) In September of 2005, Respondent submitted a request to add Buffalo Valley Lutheran Village, 889 Fairground Road, Lewisburg, Pennsylvania, and Ohession Manor, 276 Green Avenue Extended, Lewistown, Pennsylvania, to its Certificate of Authority.

- (d) During a review of Respondent's request and subsequent investigation, the Department determined that both entities should have been previously added to the Certificate of Authority since both have been operating as Continuing Care Retirement Communities.

#### CONCLUSIONS OF LAW

5. 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) Respondent is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 40 Purdon's Statutes, Section 3204(a), prohibits a provider from engaging in the business of providing continuing care in this Commonwealth without a certificate of authority, obtained from the Commissioner.
- (c) Respondent's activities described above in paragraphs 3(c) and 3(d) constitute acting as a continuing care provider without possessing a certificate of authority, in violation of 40 Purdon's Statutes, Section 3204(a).

- (d) Violations of 40 Purdons Statutes, Section 3204(a) are punishable under Section 3205(a)(1), by revocation of a certificate of authority, and under 40 Purdons Statutes, Section 3222, by a \$10,000 fine.

ORDER

6. In accord with the above Findings of Fact and Conclusions of Law, the Deputy Insurance Commissioner 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 Two Thousand Dollars (\$2,000.00) 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 Sharon L. Harbert, Administrative Assistant, Bureau of 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.

7. 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.

8. 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.

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.

