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By Admin Hearings, Ins Dept at 10:03 am, Mar 20, 2024

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
SHAWN ALCOTT	:	63 P.S. §§ 856(6) and 861(f)(1)
104 Fernway Circle	:	
Blue Bell, PA 19422-3424	:	
	:	
	:	
	:	
Respondent.	:	Docket No. CO24-02-017

CONSENT ORDER

AND NOW, this 20th day of March, 2024, 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. §§ 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 Pennsylvania Insurance Department (“Department”) finds true and correct each of the following Findings of Fact:

- (a) Respondent is Shawn Alcott and maintains a record of his address with the Pennsylvania Insurance Department as 104 Fernway Circle, Blue Bell, PA 19422-3424.
- (b) Respondent is, and at all times relevant hereto has been, a licensed Motor Vehicle Physical Damage Appraiser.
- (c) Respondent, between February 25, 2023, and May 8, 2023, forged three (3) Family and Medical Leave Act questionnaires from a medical provider without their knowledge and consent.
- (d) Respondent, between March 2, 2023 and May 3, 2023, forged four (4) return to work letters from a medical provider without their knowledge and consent.
- (e) Respondent, on June 28, 2023, was charged by the East Norriton Township Police Department (Montgomery, PA) with six (6) counts of Forgery-Alter Writing, six (6) counts of Criminal Attempt-Forgery-Alter Writing, six (6) counts of Forgery-Unauthorized Act In Writing, six (6) counts of Criminal Attempt- Forgery-Unauthorized Act In Writing, six (6) counts of Forgery-Utters Forged Writing, six (6) counts of Criminal

Attempt-Forgery-Utters Forged Writing, six (6) counts of Criminal Use of Communication Facility, six (6) counts of Criminal Attempt-Criminal Use of Communication Facility, six (6) counts of False/Fraud/Incomp Insurance Claim, and six (6) counts of Criminal Attempt-False/Fraud/Incomp Insurance Claim, all felonies; and six (6) counts of Tamper Records Or Id-Writing, six (6) counts of Criminal Attempt-Tamper Records Or Id-Writing, one (1) count of Performs Action in Furtherance of False Pretense, two (2) counts of Identity Theft, one (1) count of Criminal Attempt- Identity Theft, one (1) count of Falsely Pretends to Hold Notary Public Office or Hold a Professional/Occupational License, and one (1) count of Criminal Attempt-Falsely Pretends to Hold Notary Public Office or Hold a Professional/Occupational License, all misdemeanors.

- (f) Respondent declined to voluntarily submit to a Departmental interview.
- (g) Respondent's charges identified in finding 3(e) are pending final disposition in the Court of Common Pleas of Montgomery County, PA.

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 has shown himself to be incompetent, untrustworthy, or a source of injury and loss to the public.
- (c) Respondent's activities described in paragraphs 3(c) through 3(g) show him to be incompetent, untrustworthy, or a source of injury and loss to the public.
- (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 in paragraphs 3(c) through 3(g) violate 63 P.S. § 861(f)(1).
- (f) Respondent's violations of 63 P.S. §§ 856(6) and 861(f)(1) are punishable by the following, under 63 P.S. § 1606:
 - (i) suspension, revocation or refusal to issue the license;
 - (ii) imposition of a civil penalty not to exceed one thousand dollars (\$1,000.00) for every violation of the Act;
 - (iii) an order to cease and desist; and
 - (iv) any other conditions as the Commissioner deems appropriate.

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) All licenses of Respondent to do the business of insurance are hereby revoked.
- (c) If Respondent should ever become licensed in the future, his 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 ten (10) years from the date of issuance of such licenses.
- (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 an insurance 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, 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 provisions 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 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.

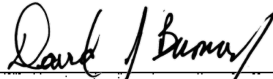
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and there are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement. This Order may not be amended 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 a duly authorized delegate is authorized to bind the Insurance Department with respect to the settlement of the alleged violations of law contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or duly authorized delegate.

BY:



SHAWN ALCOTT, Respondent



COMMONWEALTH OF PENNSYLVANIA

By: DAVID J. BUONO JR.

Deputy Insurance Commissioner

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 __31st__ day of __March____, 2022, David J. Buono, Jr.,
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 Humphreys
Acting Insurance Commissioner

