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By Admin Hearings, Ins Dept at 8:14 am, May 05, 2022

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
BOOMERANG NATIONAL SETTLEMENT	:	40 P.S. §§ 310.11(1), (2), (20) and
SERVICES	:	310.78(a)
PO Box 12245	:	
Columbia, SC 29211	:	
	:	
	:	
	:	
	:	
Respondent.	:	Docket No. CO22-03-028

CONSENT ORDER

AND NOW, this 5th day of May, 2022, this Order is hereby issued by the Insurance Department of 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 Boomerang National Settlement Services and maintains a record of its address with the Pennsylvania Insurance Department as PO Box 12245, Columbia, SC 29211.
- (b) Respondent is, and at all times relevant hereto has been, a licensed Non-Resident Title Agency.
- (c) Respondent failed to notify the Pennsylvania Insurance Department of the following administrative actions within thirty (30) days of final disposition.
 - On June 6, 2016, Respondent entered into a Voluntary Forfeiture Agreement with the Missouri Department of Insurance and agreed to forfeit the sum of \$250.00 for failing to timely file an Annual Financial Interest Report and Affiliated Business Arrangement Report due March 31, 2016. A fully signed and executed copy of this was not provided to the Dept. timely.
 - On July 6, 2017, Respondent entered into a Voluntary Forfeiture Agreement with the Missouri Department of Insurance in which it agreed to forfeit the sum of \$350.00 for failing to timely file an Annual Financial Interest Report and Affiliated Arrangement Report due March 31, 2017.

- On October 27, 2017, Respondent entered into a Stipulation and Consent Order with the Delaware Department of Insurance and was ordered to pay a \$500.00 fine for failure to report administrative actions taken by another jurisdiction.
- On April 11, 2018, Respondent received a Notice of Administrative Fine from the Louisiana Department of Insurance and was ordered to pay a \$250.00 fine for failure to timely report the July 6, 2017, Missouri Department of Insurance administrative action.
- On March 4, 2020, Respondent received an administrative action from the Colorado Division of Insurance and was assessed a \$500.00 penalty plus a \$75.00 surcharge for failure to respond to a written inquiry from the Division.
- On July 22, 2021, Respondent's QAO entered into a Consent Order with the Ohio Insurance Department and was fined \$800.00 plus a \$200.00 administrative fee for failing to timely file an annual review or claim of exemption of his escrow accounts.

(d) Respondent, on November 22, 2017, submitted a Pennsylvania license renewal application and incorrectly answered “No” to the question that asks, “[h]as the business entity or any owner, partner, officer or director of the business entity, or manager or member of a limited liability company, been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding

regarding any professional or occupational license, or registration, which has not been previously reported to this insurance department?"

- (e) Respondent, on December 10, 2019, submitted a license renewal application and incorrectly answered "No" to the question that asks, "[h]as the business entity or any owner, partner, officer or director of the business entity, or manager or member of a limited liability company, been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license, or registration, which has not been previously reported to this insurance department?"
- (f) Respondent, on October 14, 2021, submitted a license renewal application and incorrectly answered "No" to the question that asks, "[h]as the business entity or any owner, partner, officer or director of the business entity, or manager or member of a limited liability company, been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license, or registration, which has not been previously reported to this insurance department?"

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) 40 P.S. § 310.11(1) prohibits a licensee or an applicant for a license from providing incorrect, misleading, incomplete or false information to the Department in a license application.
- (c) Respondent's activities described in paragraphs 3(d) through 3(f) violate 40 P.S. § 310.11(1).
- (d) 40 P.S. § 310.11(2) prohibits a licensee or an applicant from violating the insurance laws or regulations of this Commonwealth or a subpoena or order of the commissioner or of another state's insurance commissioner.
- (e) Respondent's activities described above in paragraphs 3(c) through 3(f) violate 40 P.S. § 310.11(2).
- (f) 40 P.S. § 310.11(20) prohibits a licensee or an applicant from demonstrating a lack of general fitness, competence or reliability sufficient to satisfy the Department that the licensee is worthy of licensure.
- (g) Respondent's activities described in paragraphs 3(c) through 3(f) violate 40 P.S. § 310.11(20).

- (h) 40 P.S. § 310.78(a) requires a licensee to report any administrative action taken in another jurisdiction or by another governmental agency within 30 days of the final disposition, to include a copy of the order, consent order or other relevant legal documents.
- (i) Respondent's activities described in paragraph 3(c) violate 40 P.S. § 310.78(a).
- (j) Respondent's violations of 40 P.S. §§ 310.11(1), (2), (20) and 310.78(a) are punishable by the following, under 40 P.S. § 310.91:
 - (i) suspension, revocation or refusal to issue the license;
 - (ii) imposition of a civil penalty not to exceed five thousand dollars (\$5,000.00) 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) Respondent shall pay a civil penalty of five hundred dollars (\$500.00) 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 the Pennsylvania Insurance Department, 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 fourteen (14) 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 confirmed 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 its 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 it 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 it 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.

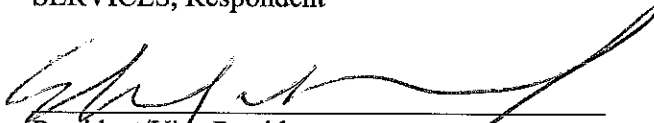
8. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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 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 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: BOOMERANG NATIONAL SETTLEMENT
SERVICES, Respondent



President/Vice President



Secretary/Treasurer



COMMONWEALTH OF PENNSYLVANIA
By: DAVID J. BUONO JR.
Acting 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

