

2020 JUL 24 PM 2: 02 BEFORE THE INSURANCE COMMISSIONER
OF THE
ADMIN HEARINGS OFFICE COMMONWEALTH OF PENNSYLVANIA

IN RE:

CHARLES W. CADRECHA, II
4801 George Road, Suite 150
Tampa, FL 33634

and

TIER 1 SETTLEMENT SOLUTIONS, LLC
4801 George Road, Suite 150
Tampa, FL 33634

Respondents.

VIOLATIONS:

40 P.S. §§ 310.11(20) and 310.78(a)

Docket No. CO20-06-011

CONSENT ORDER

AND NOW, this 24th day of July, 2020, 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. 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.

FINDINGS OF FACT

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

- (a) Respondent is Charles W. Cadrecha and maintains a record of his address with the Pennsylvania Insurance Department as 4801 George Road, Suite 150, Tampa, FL 33634.
- (b) Respondent is, and at all times relevant hereto has been, a licensed non-resident title agent.
- (c) Co-Respondent is Tier 1 Settlement Services, LLC. and the entity maintains a record of its address with the Pennsylvania Insurance Department as 4801 George Road, Suite 150, Tampa, FL 33634.
- (d) Co-Respondent is, and at all times relevant hereto has been, a licensed non-resident title agency.
- (e) Respondents, on January 30, 2015, were subject to an administrative action by the Indiana Department of Insurance and were fined \$4,131.00 for allowing an unlicensed employee to sell, solicit, or negotiate insurance in Indiana.

- (f) Respondents failed to notify the Department of the action identified in finding 3(e) within (30) days.
- (g) Respondents, on May 12, 2016, were subject to an administrative action by the Missouri Department of Insurance and were fined \$250.00 for failure to timely file an Annual Financial Interest Report and Affiliated Business Arrangement Report.
- (h) Respondents timely notified the Department within (30) days of the action identified in finding 3(g), however the copy of the action they provided was not officially signed.
- (i) Respondents, on September 7, 2016, entered into a consent order with the Delaware Department of Insurance and were fined \$500.00 for failure to report other states' action.
- (j) Respondents failed to notify the Department of the action taken in finding 3(i) within (30) days.
- (k) Respondents, on July 12, 2019, were subject to an administrative action by the Indiana Department of Insurance and were fined \$2,200.00 for failure to maintain books and records.
- (l) Respondents failed to notify the Department of the action identified in finding 3(k) within (30) days.

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) Respondents are subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 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.
- (c) Respondent's activities described in paragraphs 3(e) through 3(l) violate 40 P.S. § 310.11(20).
- (d) 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.
- (e) Respondent's activities described in paragraph 3(f), 3(j) and 3(l) violate 40 P.S. § 310.78(a).
- (f) Respondents' violations of 40 P.S. §§ 310.11(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 Respondents consent 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 shall pay a civil penalty of One Thousand Dollars (\$1,000.00) 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 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) Respondents' 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 Respondents are 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.

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 Insurance Department may enforce the provisions of this Order in the Commonwealth Court of Pennsylvania or in any other court of law or equity having jurisdiction; or 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.

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, 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 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:



CHARLES W. CADRECHA, II, individually and
on behalf of



TIER 1 SETTLEMENT SOLUTIONS, LLC.

Respondents



COMMONWEALTH OF PENNSYLVANIA

By. CHRISTOPHER R. MONAHAN

Deputy Insurance Commissioner