



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 Marc J. Grossman, and maintains a record of his address with the Pennsylvania Insurance Department as 446 Germantown Pike, Box 647, Lafayette Hill, PA 1944
- (b) Respondent is, and at all times relevant hereto has been, a licensed resident producer, license number 646489
- (c) On or about June 5, 2017, Respondent entered into a public adjuster's contract with an Anne and George Miers ("the Miers").
- (d) In 2005, Respondent obtained permission to use a public adjuster contract which deviated from the Department's generic approved contract in effect at that time.
- (e) In 2012, the General Assembly of the Commonwealth of Pennsylvania enacted Act 21, Act of April 3, 2012, P.L. 209, No. 21, ("Act 21") which created new disclosure requirements for public adjuster contracts.

- (f) The public adjuster's contract described in paragraph 3(c) above, while similar to the contract described in paragraph 6 above, was not approved by the Department and differs substantially from the Department's generic approved contract as it did not contain the required Act 21 disclosures.
- (g) During the pendency of the claim process which was the subject of the public adjuster's contract described in paragraph 3(c) above, Respondent prohibited State Farm, the Miers' insurer, from communicating with the Miers directly and stated that State Farm was only to communicate with Respondent.

#### 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. § 1606(a)(10) prohibits a public adjuster from using entering into a contract on a form unapproved by the Department.

- (c) Respondent's activities described above in paragraphs 3(c) violate 63 P.S. § 1606(a)(10).
- (d) Respondent's violations of § 1606(a)(10) are punishable by suspension or revocation of a public adjuster's license, and a penalty of \$5,000 for each violation.
- (e) 63 P.S. § 1606(a)(20) prohibits a public adjuster from engaging in conduct prohibiting communication between the insurer and insured.
- (f) Respondent's activities described above in paragraphs 3(g) violate 63 P.S. § 1606(a)(20).
- (g) Respondent's violations of § 1606(a)(20) are punishable by suspension or revocation of a public adjuster's license, and a penalty of \$5,000 for each violation.
- (h) 63 P.S. § 1606(a)(13) prohibits a public adjuster from demonstrating incompetency or untrustworthiness to transact the business of a public adjuster.
- (i) Respondents activities described above in paragraphs 3(c) through (g) violate 63 P.S. 1606(a)(13).
- (j) Respondent's violations of § 1606(a)(13) are punishable by suspension or revocation of a public adjuster's license, and a penalty of \$5,000 for each violation.

## 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 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 ten (10) 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 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.

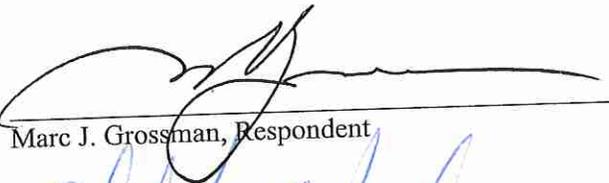
8. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

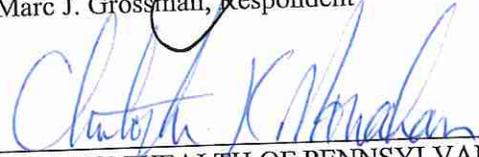
9. Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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 delegee 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 delegee.

BY:

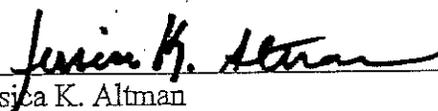
  
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Marc J. Grossman, Respondent

  
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COMMONWEALTH OF PENNSYLVANIA  
By: CHRISTOPHER R. MONAHAN  
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 28<sup>th</sup> day of March, 2018, Christopher R. Monahan,  
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.

  
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Jessica K. Altman  
Insurance Commissioner

