

RECEIVED
INSURANCE DEPARTMENT

2018 JUL 24 AM 11:35

ADMIN HEARINGS OFFICE

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
ANTHONY HOFFMAN	:	63 P.S. §§ 1606(a)(5), (13) and (20)
7930 Frankford Avenue	:	
Philadelphia, PA 19136	:	
	:	
	:	
Respondent.	:	Docket No. CO17-06-016

CONSENT ORDER

AND NOW, this 24th day of July, 2018, 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 admit and acknowledge 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 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 Anthony Hoffman, Qualifying Active Officer, and maintains his address at 7930 Frankford Avenue, Philadelphia, PA 19136.
- (b) Respondent is, and at all times relevant hereto, has been a licensed resident public adjuster.
- (c) On December 7, 2015, Insured #1 hired Respondent for adjuster services.
- (d) On January 19, 2016, Respondent deposited an insurance claim check into Respondent's bank account on behalf of Insured #1, but did not issue Insured #1's check until March 1, 2016.
- (e) On March 8, 2016, Insured #2 hired Respondent for adjuster services.
- (f) In March 2016, Respondent received and deposited an insurance claim check into Respondent's bank account on behalf of Insured #2, but did not pay Insured #2 until court ordered on February 21, 2017.

- (g) In August 2016, Insured #2 contacted his insurance company, inquiring about the claim and was told a check was issued and cashed in March 2016.
- (h) In August 2016, Insured #2 called Respondent inquiring about his claim. Respondent directed Insured #2 not to speak to anyone about his claim.
- (i) On January 5, 2017, Insured #2 filed civil suit against Respondent in Philadelphia Municipal Court.
- (j) On February 21, 2017, a judgment in the amount of \$12,000.00 plus costs, from Philadelphia Municipal Court was ordered against Respondent for Insured #2.
- (k) On June 6, 2017, counsel for Insured #2 reported the claim was paid in full by Respondent.
- (l) On January 3, 2017, Insured #3 hired Respondent for adjuster services.
- (m) Between the second and third week of January, 2017, Respondent received the claim check for Insured #3's insurance claim.

- (n) On January 27, 2017, Respondent issued Insured #3 two checks from his account for the insurance claim, postdating one of the checks for February 3, 2017.
- (o) On May 26, 2017, Respondent stated he postdated the check to Insured #3, to make sure the funds were available. Respondent also admitted to still owing Insured #3 \$440.34.
- (p) Insured #3 did not receive total funds from Respondent until May 31, 2017.
- (q) On January 11, 2017, Respondent was interviewed and admitted to withholding monies from Insureds #1 & #2 because he was having financial difficulty.

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)(5) states that a public adjuster who misappropriates or converts to his own use or improperly withholds moneys held on behalf of another party to the public adjuster contract, may be fined or face suspension or revocation of their public adjuster license.

- (c) Respondent's activities in paragraphs 3(c) through 3(q) violate 63 P.S. § 1606(a)(5).

- (d) 63 P.S. § 1606(a)(13) prohibits a public adjuster from demonstrating incompetence or untrustworthiness to transact the business of a public adjuster.

- (e) Respondent's activities in paragraphs 3(c) through 3(q) violate 63 P.S. § 1606(a)(13).

- (d) 63 P.S. § 1606(a)(20) prohibits a public adjuster from prohibiting communication between the insurer and the insured.

- (e) Respondent's activities in paragraph 3(h) violate 63 P.S. § 1606(a)(20).

- (f) Respondent's violations of §§ 1606(a)(5), (a)(13) and (a)(20) are punishable by a fine, suspension and revocation of licenses under § 1606(a) and the

following, under 63 P.S. § 1606(b): The Insurance Commissioner may impose a penalty of not more than \$5,000 for every violation of this Act.

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) 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 five (5) 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, it may, in its discretion, 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 provision of law.

7. Alternatively, in the event the Insurance Department finds that 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.

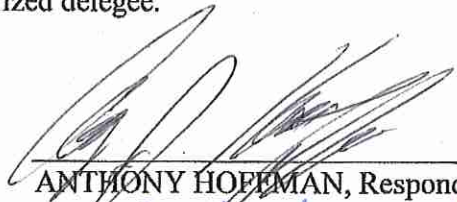
9. Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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.

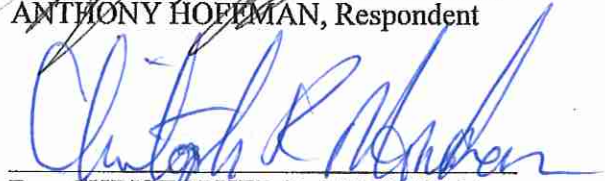
11. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or the duly authorized delegee is authorized to bind the Insurance Department with respect to the settlement of the alleged violation of law

contained herein, and this Consent Order is not effective until executed by the Insurance Department or a duly authorized delegee.

BY:



ANTHONY HOFFEMAN, Respondent




By: CHRISTOPHER R. MONAHAN
Deputy Insurance Commissioner
Commonwealth of Pennsylvania

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 28th 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.



Jessica K. Altman
Insurance Commissioner

