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By Admin Hearings, Ins Dept at 9:15 am, Nov 16, 2023

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE:	:	VIOLATIONS:
	:	
SHALEFE OMAR RILEY	:	31 Pa. Code § 115.19(1), (3) and
3666 Frankford Ave.	:	(4)
Philadelphia, PA 19134	:	
	:	
	:	
	:	
	:	
Applicant.	:	Docket No. CO23-11-011

CONSENT ORDER

AND NOW, this 16th day of November, 2023, 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. Applicant 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. Applicant 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) Applicant is Shalefe Omar Riley and maintains a record of his address with the Pennsylvania Insurance Department as 3666 Frankford Ave., Philadelphia, PA 19134.

- (b) Applicant does not possess a Resident Public Adjuster license.

- (c) Applicant, on January 17, 2023, submitted an initial application for licensure and incorrectly answered "No" to the questions that asks, "[h]ave you ever been convicted of or pled nolo contendere (no contest) to any misdemeanor or felony or currently have pending misdemeanor or felony charges filed against you?"

- (d) Applicant, on March 20, 2007, was convicted of two counts of Distribution of More than Five Grams of "Crack" Cocaine, three counts of Distribution of 50 Grams or More of "Crack" Cocaine, and Possession with Intent to Distribute Heroin, all felonies, in the United States District Court for the Eastern District of Pennsylvania and was sentenced to a minimum of one hundred and twenty (120) months imprisonment, five (5) years' supervised release, a fine of \$1,200.00, and an assessment of \$600.00.

- (e) Applicant, on March 20, 2007, was convicted of three counts of Distribution of "Crack" Cocaine, two counts of Possession with Intent to Distribute Heroin, and Simple Possession of Marijuana, all felonies, in the United States District Court for the Eastern District of Pennsylvania and was sentenced to one hundred and twenty (120) months imprisonment, three (3) years' supervised release, concurrent with the sentence identified in Finding 3(d), and an assessment of \$525.00.

- (f) Applicant, on November 28, 2017, was convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver and Criminal Conspiracy, both felonies, in the Court of Common Pleas of Philadelphia County, Pennsylvania and was sentenced to imprisonment for a minimum period of eleven (11) months and fifteen (15) days and a maximum period of twenty-three (23) months, with immediate parole, and a maximum period of three (3) years under the supervision of probation.

- (g) Applicant, on April 3, 2018, was convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver, Criminal Conspiracy, and Possession of Firearm Prohibited, all felonies, in the Court of Common Pleas of Philadelphia County, Pennsylvania and was sentenced to imprisonment for a minimum period of two (2) years to a maximum period of ten (10) years, concurrent with the sentence identified in Finding 3(f).

- (h) Applicant is currently on parole with an anticipated completion date of April 3, 2028.

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) Applicant is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) 31 Pa. Code § 115.19(1), states that the applicant may be denied a license if the applicant provides incorrect, misleading or incomplete answers to interrogatories on forms incidental to applying for a license.
- (c) Applicant's activities described in paragraph 3(c) violate 31 Pa. Code § 115.19(1).
- (d) 31 Pa. Code § 115.19(3), states that the applicant may be denied a license for any of the following reasons. The applicant does not possess the professional competence and trustworthiness required to engage in the business of being a public adjuster or public adjuster solicitor.
- (e) Applicant's activities described in paragraphs 3(c) through 3(h) violate 31 Pa. Code § 115.19(3).

- (f) 31 Pa. Code § 115.19(4), states that the applicant may be denied a license for any of the following reasons. The applicant has pleaded guilty, entered a plea of nolo contendere or has been found guilty of a felony in a court of competent jurisdiction, or has pleaded guilty, entered a plea of nolo contendere, or been found guilty of a criminal conduct, which relates to the applicant's suitability to engage in the business of being a public adjuster or public adjuster solicitor.

- (g) Applicant's activities described in paragraphs 3(d) through 3(h) violate 31 Pa. Code § 115.19(4).

ORDER

5. In accord with the above Findings of Fact and Conclusions of Law, and as a condition of licensure, the Insurance Department orders and Applicant consents to the following:

- (a) Applicant shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.

- (b) Applicant shall pay a civil penalty of two hundred fifty dollars (\$250.00) 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) Applicant'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 Applicant 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) Applicant 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 Applicant 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 Applicant's written request.
- (e) At the hearing referred to in paragraph 5(d) of this Order, Applicant shall have the burden of demonstrating that he is worthy of a license.
- (f) In the event Applicant's licenses are suspended pursuant to paragraph 5(c) above, and Applicant either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that he is worthy of a license, Applicant'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.

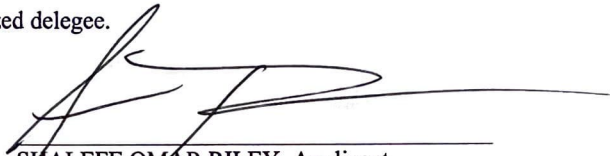
8. In any such enforcement proceeding, Applicant may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

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

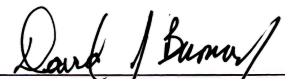
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

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:



SHALEFE OMAR RILEY, Applicant



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

