

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

RECEIVED
INSURANCE DEPARTMENT
2017 MAY 30 AM 11:18
ADMIN HEARINGS OFFICE

IN RE:

MICHAEL H. WHITE
8429 Torresdale Ave. 1st floor
Philadelphia, PA 19136

Violations:

63 P.S. §1606(a)(2), (a)(11), (a)(12)
and (a)(13)

Respondent.

Docket No. CO17-03-003

CONSENT ORDER

AND NOW, this 30th day of May, 2017, 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 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. 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 Michael H. White and maintains his address at 8429 Torresdale Ave. 1st floor, Philadelphia, PA 19136.
- (b) Respondent is, and at all times relevant hereto has been, a licensed resident public adjuster.
- (c) Respondent admittedly signed the name of at least twenty (20) policyholders on Proof of Loss forms in an effort to expedite the claim process.
- (d) Respondent had an employee notarize his signature as that of the policyholder on the Proof of Loss forms, and submitted the Proof of Loss forms to insurers.
- (e) Respondent, on June 15, 2015, was charged in New Jersey with Insurance Fraud, Forgery, and Falsifying or Tampering with Records.

- (f) Respondent provided false information on a license renewal application form he submitted on August 24, 2015 by failing to report the criminal charges.
- (g) Respondent's New Jersey charges were concluded by acceptance into the New Jersey Pre-Trial Intervention Program: similar to Pennsylvania's Accelerated Rehabilitative Disposition Program.

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)(2) states that a public adjuster who engages in, or attempts to engage in, any fraudulent transaction with respect to a claim or loss that licensee is adjusting, may be fined or face suspension or revocation of their public adjuster license.

- (c) Respondent's activities in paragraphs 3(c) and 3(d) violate 63 P.S. §1606(a)(2).
- (d) 63 P.S. §1606(a)(11) states that committing any of the following acts shall be grounds for fine, suspension or revocation of a public adjuster's license: ... (11) Making a material misstatement in the application for any such license.
- (e) Respondent's activities described above in paragraph 3(f) violate 63 P.S. §1606(a)(11).
- (f) 63 P.S. §1606(a)(12) states that public adjusters who demonstrate the commission of fraudulent practices, shall be grounds for fine, suspension or revocation of their public adjuster license.
- (g) Respondent's activities in paragraphs 3(c) through 3(g) violate 63 P.S. §1606(a)(12).
- (h) 63 P.S. §1606(a)(13) prohibits a public adjuster from demonstrating incompetence or untrustworthiness to transact the business of a public adjuster.

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

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 Thousand Dollars (\$5,000.00) 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) 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 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 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 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.

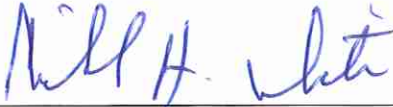
7. Alternatively, in the event the Insurance Department finds there has been a breach of any of the provisions of this Order, the Department may declare this Order to be null and void and, thereupon, reopen the entire matter for appropriate action pursuant to the Administrative Agency Law, supra, or 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: 
MICHAEL H. WHITE, Respondent


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 13th day of November, 2015, 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.



Teresa D. Miller
Insurance Commissioner

