

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

RECEIVED
INSURANCE DEPARTMENT
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ADMINISTRATIVE HEARINGS OFFICE

IN RE: : VIOLATIONS:
: :
ANGEL A. RIZK-ALLAN : 40 P.S. §§ 310.11(20), 310.42
81 Pinewood Road : 910-24.2, 910-26.1(4)
Philadelphia, PA 19116 : and 910-26.1(5)
: :
and : :
: :
ANGEL ABSTRACT SERVICES, LLC :
111 Buck Road :
Huntingdon Valley, PA 19006 :
: :
Respondents : Docket No. CO12-01-018

CONSENT ORDER

AND NOW, this *21st* day of *March*, *2012*, 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.A. §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 Angel A. Rizk-Allan, and maintains her address at 481 Pinewood Road, Philadelphia, PA 19116.
- (b) Co-Respondent is Angel Abstract Services, LLC, now a defunct corporation, and had maintained a business address at 111 Buck Road, Huntingdon Valley, PA 19006.
- (c) Respondent has an active resident title license #481782 that expires on January 31, 2013.
- (d) Co-Respondent has an active resident agency title license #484207 that expires on February 28, 2013.

- (e) Respondent is the President, Treasurer and Managing Member of Co-Respondent, and is responsible for the daily operation of Co-Respondent.
- (f) Between May 24, 2011 and August 2, 2011, Respondent, while trading as Co-Respondent, completed five settlement transactions on behalf of Conestoga Title Insurance Company; and collected \$44,420.00 to pay transfer taxes and recording fees owed to the Commonwealth of Pennsylvania, Recorder of Deeds, and the City of Philadelphia.
- (g) Subsequently, Conestoga Title Insurance Company conducted an audit of Co-Respondent and confirmed \$44,420.00 in escrow funds were missing from Respondent's escrow account.
- (h) Respondent failed to forward the fees (\$44,420.00) to the proper entities mentioned in paragraph 3(f) above, causing Conestoga Title Insurance Company to reimburse the entities due to Respondent's fiduciary actions.
- (i) Respondent admitted to Conestoga Title Insurance Company that she converted the funds to her own personal use.
- (j) Respondent, on behalf of Co-Respondent, has reimbursed Conestoga Title Insurance Company \$13,855.05, leaving a balance of \$30,064.95.

- (k) Respondent has agreed to surrender the title licenses of both Respondent and Co-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) 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) Respondents' activities described above in paragraphs 3(f) through 3(j) violate 40 P.S. § 310.11(20).
- (d) 40 P.S. § 310.42 prohibits any producer from fraudulently appropriating, taking, disposing of, withholding, lending, investing or otherwise using any money received in the capacity of an insurance producer without the consent of the insurer:

- (e) Respondents' activities described above in paragraphs 3(f) through 3(j) constitute theft, in violation of 40 P.S. § 310.42.

- (f) Respondents' violations of Sections 310.11(20) and 310.42 are punishable by the following, under 40 Purdons Statutes, Section 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.

- (g) 40 P.S. § 910-24.2 requires that title agents shall assume financial responsibility for all of the acts which the agent was appointed to perform by the title insurance company.

- (h) Respondents' activities described above in paragraphs 3(f) through 3(j) violate 40 P.S. § 910-24.2.

- (i) 40 P.S. §910-26.1(4) requires agents for a title company to render accounts to the title insurer detailing all transactions and remit all funds and policies due under the contract to the title insurer on a specified basis.

- (j) Respondents' activities described above in paragraphs 3(f) through 3(j) violate 40 P.S. § 910-26.1(4).
- (k) 40 P.S. §910-26.1(5) requires agents for a title company to collect and hold in a fiduciary capacity for the account of a title insurer all funds due the title insurer in a bank or other financial institution insured by an agency of the Federal Government. Each account shall be used for all payments on behalf of the title insurer with whom a title agency contract exists.
- (l) Respondents' activities described above in paragraph 3(f) through 3(j) violate 40 P.S. § 910-26.1(5).
- (m) Respondents' violations of 40 Purdons Statutes, Sections 910-24.2, 910-26.1(4) and 910.26.1(5) are punishable under Section 910-48: Imposition a penalty of not more than \$500 for each violation, or a penalty of not more than \$5,000 for each willful violation, in addition to any other penalty provided by law.

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 immediately surrender all licenses to conduct the business of insurance within the Commonwealth of Pennsylvania as of the date of this Consent Order.
- (b) Future license applications will not be considered until full restitution has been made by Respondents to Conestoga Title Insurance Company. Proof of restitution payment shall be provided to the Insurance Department by Respondents.
- (c) If Respondents should ever become licensed in the future, their 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 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 issuance of such licenses.
- (d) Respondents specifically waive their 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 Respondents 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, Respondents shall have the burden of demonstrating that they are worthy of an insurance license.

(f) In the event Respondents' licenses are suspended pursuant to paragraph 5(c) above, and Respondents either fail to request a hearing within thirty (30) days or at the hearing fail to demonstrate that they are worthy of a license, Respondents' suspended licenses shall be revoked.

(g) Respondents specifically waive the 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 Respondents 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 Respondents' written request.

(g) At the hearing referred to in paragraph 5(d) of this Order, Respondents shall have the burden of demonstrating that they are worthy of a license.

(h) In the event Respondents' licenses are suspended pursuant to paragraph 5(c) above, and Respondents either fail to request a hearing within thirty (30) days

or at the hearing fail to demonstrate that they are worthy of a license,
Respondents' 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.

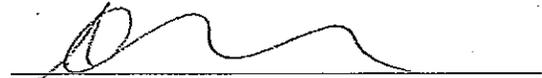
8. In any such enforcement proceeding, Respondents may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

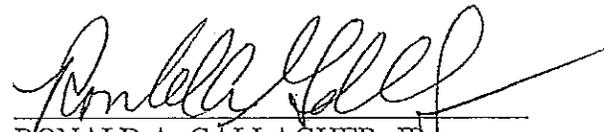
9. Respondents hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

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:


ANGEL A. RIZK-ALLAN, individually
and on behalf of ANGEL ABSTRACT
SERVICES, LLC, Respondents


RONALD A. GALLAGHER, JR.
Deputy Insurance Commissioner
Commonwealth of Pennsylvania

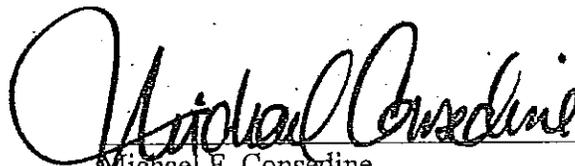
BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE: The Act of April 9, 1929, P.L. 177, No. 175, known as The
Administrative Code of 1929.

AND NOW, this 27th day of April, 2011, Ronald A.

Gallagher, 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 F. Consedine
Insurance Commissioner

