

RECEIVED
INSURANCE DEPARTMENT

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

2008 DEC -3 AM 10:36
ADMIN HEARINGS OFFICE

IN RE: : VIOLATIONS:
: :
WILLIAM C. PEARSALL, JR. : 63 Purdons Statutes, Sections 856
28010 Evergreen Run Road : and 861(f)(1)
Imperial, PA 15126 :
: :
: :
Respondent. : Docket No. CO08-07-020

CONSENT ORDER

AND NOW, this *3rd* day of *December*, 2008, 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 William C. Pearsall, Jr. and maintains his address at 28010 Evergreen Run Road, Imperial, Pennsylvania 15126.
- (b) Respondent's Motor Vehicle Physical Damage Appraiser License expired on June 30, 2008.
- (c) On March 17, 2008, in the Court of Common Pleas of Allegheny County Pennsylvania, Respondent pleaded nolo contendere and was convicted of interference with custody of children and concealment of whereabouts of child, both felony offenses.
- (d) Respondent was sentenced to 5 years probation and \$572.02 in costs and fines.
- (e) Respondent did notify the Department of the arrest, however, he did not report the conviction to the Department.

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 Purdons Statutes, Section 856, states the Commissioner may deny initial issuance of, suspend, revoke or refuse to renew any appraiser's license if the licensee obtained his license through willful misrepresentation or fraud, or has shown himself to be incompetent, untrustworthy, or a source of injury and loss to the public.
- (c) Respondent's activities described above in paragraphs 3(c) through 3(e) violate 63 Purdons Statutes, Section 856.
- (d) 63 Purdons Statutes, Section 861(f)(1), requires every appraiser to conduct himself in such a manner as to inspire public confidence by fair and honorable dealings.
- (e) Respondent's activities described above in paragraphs 3(c) through 3(e) violate 63 Purdons Statutes, Section 861(f)(1).

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 certificates and 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 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 certificates and 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 certificates and 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 provision 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 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.

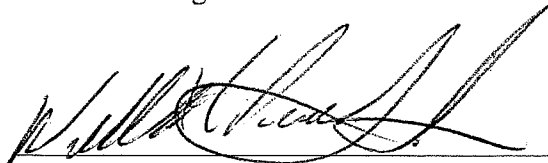
8. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.


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 Commissioner or the duly authorized delegee.

BY:


WILLIAM PEARSALL, JR., Respondent


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