

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

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By Admin Hearings, Ins Dept at 2:45 pm, May 16, 2024

IN RE:

VIOLATIONS:

APEX ADJUSTMENT ASSOCIATES LLC
3237 Bristol Road, Suite 208
Bensalem, PA 19020

63 P.S. §§ 1602(a), 1606(a)(2),
(5), (10), (12) and (13)

and

Patricia Sacco
3237 Bristol Road, Suite 208
Bensalem, PA 19020

and

Jerome Sacco Sr.
3237 Bristol Road, Suite 208
Bensalem, PA 19020

Respondents.

Docket No. CO24-05-020

CONSENT ORDER

AND NOW, this 16th day of May, 2024, 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 and Co-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. §§ 101, et seq., or other applicable law.

2. Respondent and Co-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.

3. Respondent and Co-Respondents neither admit nor deny the information contained in the Findings of Fact and the violations cited in the Conclusions of Law in this Consent Order.

FINDINGS OF FACT

4. The Pennsylvania Insurance Department (“Department”) finds true and correct each of the following Findings of Fact:

- (a) Respondent is Apex Adjustment Associates LLC (hereinafter “Respondent” or “Apex”) and maintains a record of its address with the Pennsylvania Insurance Department as 3237 Bristol Road, Suite 208, Bensalem, PA 19020.
- (b) Respondent was a licensed Resident Public Adjuster Agency; however, Respondent failed to timely submit a renewal application for its license, resulting in its license expiring on March 15, 2023.

- (c) Co-Respondent 1 is Patricia Sacco and maintains a record of her address with the Pennsylvania Insurance Department as 3237 Bristol Road, Suite 208, Bensalem, PA 19020.
- (d) Co-Respondent 1 is, and at all times relevant hereto has been, a licensed Resident Public Adjuster Individual.
- (e) Co-Respondent 2 is Jerome Sacco Sr. and maintains a record of his address with the Pennsylvania Insurance Department as 3237 Bristol Road, Suite 208, Bensalem, PA 19020.
- (f) Co-Respondent 2 is not, and at all times relevant hereto has not been, licensed to act as a Resident Public Adjuster Individual.
- (g) Respondent Apex improperly withheld funds from an insured (hereinafter "T.W.") related to a claim that began in 2021 and allowed Co-Respondent 2 Jerome Sacco to act directly or indirectly as an unlicensed public adjuster in connection with T.W.'s claim.
- (h) Respondent, in April of 2022, submitted an inaccurate contents list to an insurer on behalf of insured (hereinafter "C.C.") and allowed Co-Respondent 2 Jerome Sacco to act directly or indirectly as an unlicensed public adjuster in connection with C.C.'s claim.
- (i) Respondent's license expired on March 15, 2023, after it failed to submit a renewal application.

- (j) Respondent, on or about May 31, 2023, submitted an application for licensure as a Resident Public Adjusting Agency.
- (k) The Department denied Respondent Apex's license application by letter dated August 2, 2023.
- (l) Respondent, after the expiration of Apex's license and after the Department's denial letter, executed at least four (4) public adjuster contracts (hereinafter designated as "J.&D.P."; "J.&D.S."; "T.J."; and "M.W.") in connection with claims submitted to Allstate Insurance Company ("Allstate").
- (m) Respondents allowed Jerome Sacco Sr. to act as a public adjuster while unlicensed on five (5) claims (hereinafter designated as "J.&D.W."; "M.&N.C."; "J.&D.P."; "J.&D.S." and "M.W.") submitted to Allstate from January of 2023 to February of 2024.

CONCLUSIONS OF LAW

5. 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 and Co-Respondents are subject to the jurisdiction of the Pennsylvania Insurance Department.

- (b) 63 P.S. § 1602(a) states no person shall, directly or indirectly, act within the Commonwealth as a public adjuster without first procuring from the Insurance Commissioner a license as a public adjuster.
- (c) Respondent's activities described in paragraphs 4(g), 4(h), 4(l) and 4(m) violate 63 P.S. § 1602(a).
- (d) 63 P.S. § 1606(a)(2) prohibits a public adjuster from engaging in, or attempting to engage in, any fraudulent transaction with respect to a claim or loss that licensee is adjusting.
- (e) Respondent's activities described in paragraph 4(h) violate 63 P.S. § 1606(a)(2).
- (f) 63 P.S. § 1606(a)(5) prohibits a public adjuster from misappropriating or converting to their own use or improperly withholding moneys held on behalf of another party to the public adjuster contract.
- (g) Respondent's activities described in paragraph 4(g) violate 63 P.S. § 1606(a)(5).
- (h) 63 P.S. § 1606(a)(10) prohibits a public adjuster from violating any provisions of this act or any rule or regulation promulgated, published and adopted thereunder.

- (i) Respondent's activities described in paragraphs 4(g), 4(h), 4(l) and 4(m) violate 63 P.S. § 1606(a)(10).

- (j) 63 P.S. § 1606(a)(12) prohibits a public adjuster from demonstrating or committing fraudulent practices.

- (k) Respondent's activities described in paragraph 4(h) violate 63 P.S. § 1606(a)(12).

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

- (m) Respondent's activities described in paragraphs 4(g), 4(h), 4(l) and 4(m) violate 63 P.S. § 1606(a)(13).

- (n) Respondent's violations of 63 P.S. §§ 1602(a), 1606(a)(2), (5), (10), (12) and (13) are punishable by the following, under 63 P.S. § 1606:
 - (i) suspension, revocation or refusal to issue the license;

 - (ii) imposition of a civil penalty not to exceed one thousand dollars (\$1,000.00) for every violation of the Act;

 - (iii) an order to cease and desist; and

(iv) any other conditions as the Commissioner deems appropriate.

ORDER

6. 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) Respondent shall pay a civil penalty of five thousand dollars (\$5,000.00) to the Commonwealth of Pennsylvania and payment must be made electronically no later than sixty (60) days from the date of final execution of this Consent Order. Specific payment instructions will be supplied by the Department to the Respondent with the final executed copy of this Consent Order.
- (c) For at least a five (5) year period following signing of this Consent Order by the Deputy Insurance Commissioner, Co-Respondent 2 Jerome Sacco will not reapply for, seek reinstatement of, or seek to void this Consent Order as it applies to their individual insurance license(s).
- (d) For the five (5) year period identified in Order 6(c), Co-Respondent 2 Jerome Sacco shall not: contact insurance companies regarding public adjustment claims; contact, meet with, represent, or interact with insureds in connection with public adjustment claims; hold himself out as

a public adjuster; solicit public adjusting business, investigate public adjusting claims, or adjust losses; and advise insureds with respect to claims.

- (e) 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, not referenced within this Consent Order, 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 this Order.
- (f) Respondent specifically waive its 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 Respondents' written request.
- (g) At the hearing referred to in paragraph 6(f) of this Order, Respondent shall have the burden of demonstrating that it is worthy of a license.
- (h) In the event Respondent's licenses are suspended pursuant to paragraph 6(e) above, and Respondent either fail to request a hearing within thirty

(30) days or at the hearing fail to demonstrate that it is worthy of a license, Respondent's suspended licenses shall be revoked.

- (i) For the ten (10) year period identified in Order 6(e), Respondent and Co-Respondents shall not start, open, form or attempt to start, open, or form a new public adjusting agency in an attempt to circumvent the provisions of this Consent Order.

7. 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.

8. In any such enforcement proceeding, Respondent and Co-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. Respondent and Co-Respondents hereby expressly waive any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

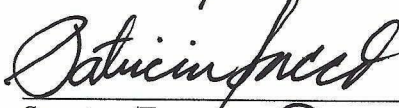
10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and there are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement. This Order may not be amended 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.

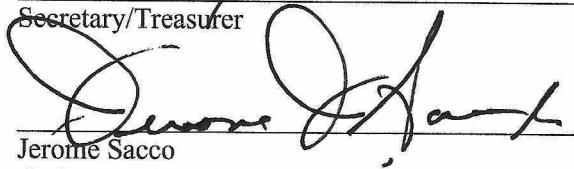
BY: APEX ADJUSTMENT ASSOCIATES LLC AND
PATRICIA SACCO, Respondents



President/Vice President



Secretary/Treasurer



Jerome Sacco
Co-Respondent 2



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 __25th__ day of __April____, 2024, 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
Insurance Commissioner