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By Admin Hearings, Ins Dept at 10:37 am, May 30, 2024

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

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|------------------------|---|--------------------------------|
| IN RE: | : | VIOLATIONS: |
| | : | |
| MICHAEL J. BREITENBACH | : | 63 P.S. § 1606(a)(11) and (13) |
| 6529 Timothy Ct. | : | |
| Bensalem, PA 19020 | : | |
| | : | |
| | : | |
| | : | |
| Respondent. | : | Docket No. CO24-05-005 |

CONSENT ORDER

AND NOW, this 30th 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 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 Pennsylvania Insurance Department (“Department”) finds true and correct each of the following Findings of Fact:

- (a) Respondent is Michael J. Breitenbach and maintains a record of his address with the Pennsylvania Insurance Department as 6529 Timothy Ct., Bensalem, PA 19020.
- (b) Respondent is, and at all times relevant hereto has been, a licensed Resident Public Adjuster Individual.
- (c) Respondent, on September 14, 2023, was charged with DUI- Controlled Substance second offense, a Felony: DUI- Controlled Substance First Offense, Possession of Marijuana and Possession of Drug Paraphernalia, both Misdemeanors, by the Pennsylvania State Police (Luzerne, PA).
- (d) Respondent, on January 22, 2024, submitted a renewal application for licensure and incorrectly answered "No" to the questions that asks, "[h]ave you been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor, which has not been previously reported to this insurance department?"
- (e) Respondent, on February 28, 2024, submitted a Public Adjuster Individual Lapsed License Renewal form and answered "No" to the

question "Since the last renewal or initial application in this state, have you 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?"

- (f) Respondent, on March 4, 2024, was convicted of DUI- Drug/Combo, a Misdemeanor, in the Luzerne County Court of Common Pleas, as a result of the charges identified in finding 3(c).

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)(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.
- (c) Respondent's activities described in paragraphs 3(d) and 3(e) violate 63 P.S. § 1606(a)(11).

- (d) 63 P.S. § 1606(a)(13) prohibits a public adjuster from demonstrating incompetence or untrustworthiness to transact the business of a public adjuster.
- (e) Respondent's activities described in paragraphs 3(d) and 3(e) violate 63 P.S. § 1606(a)(13).
- (f) Respondent's violations of 63 P.S. §§ 1606(a)(11) 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

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 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.

- (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 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 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, 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.

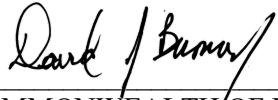
9. Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

10. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and 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: Michael J. Breitenbach
MICHAEL J. BREITENBACH, Respondent


COMMONWEALTH OF PENNSYLVANIA
By: DAVID J. BUONO JR.
Deputy Insurance Commissioner

Signature: *Michael Breitenbach*

Email: michael@patriotpaclaims.com

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