OFFICIAL ORDER of the TEXAS COMMISSIONER OF INSURANCE

Date: MAY 2 3 2018

Subject Considered:

CSI RENOVATIONS, LLC 6707 Rufe Snow Dr, Ste. 20 Watauga, Texas 76148-2337

CONSENT CEASE AND DESIST ORDER

TDI ENFORCEMENT FILE NO. 12066

General remarks and official action taken:

The subject of this order is whether a cease and desist order should be issued against CSI Renovations, LLC (CSI).

WAIVER

CSI acknowledges that the Texas Insurance Code and other applicable law provide certain rights. CSI waives all of these rights in consideration of the entry of this consent order.

FINDINGS OF FACT

Roofing Contractor

- 1. CSI is a roofing and renovations contractor business owned by Chris Irving (Irving) and located at 6707 Rufe Snow Dr., Ste. 20, Watauga, Texas 76148-2337.
- 2. Neither CSI nor Irving or any employees of CSI hold a public insurance adjuster license or any other license issued by the Texas Department of Insurance.

Unauthorized Practice of Public Insurance Adjusting

- 3. On September 9, 2017, the department received a complaint alleging CSI engaged in the unauthorized practice of public insurance adjusting.
- 4. CSI included language describing the acts of a public insurance adjuster in the company's marketing brochure, website, damage report document, and insurance work authorization form, including the following:

- a. CSI's marketing brochure stated: "Need help with an Insurance Claim? We will document your roof damage and contact your insurance company for you."
- b. CSI's website, www.csiroofers.com, stated: "Roofing Insurance Claim Specialists in Fort Worth."
- c. CSI's damage report document stated: "CSI Renovations, LLC hereby agrees to act as the Insured's advocate with the insurance company to help determine fair market replacement value for all losses incurred in claim."
- d. CSI's insurance work authorization form stated: "I hereby authorize CSI Renovations LLC to negotiate directly with my insurance company for repairs at the above address and negotiate property damage claim settlement."
- 5. CSI admits to the use of the improper language, but denies performing the acts of a public insurance adjuster in practice.
- 6. Upon notification by the department, CSI cooperated with the department. On January 25, 2017, the department confirmed that CSI removed all language referencing the unauthorized practice of public insurance adjusting from its marketing brochure, website, damage report document, and insurance work authorization form. CSI agrees to comply with all insurance laws in the future.

CONCLUSIONS OF LAW

- 1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 101.101-101.156, and Ch. 4102.
- 2. TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 82.055, and 28 TEX. ADMIN. CODE § 1.47 give the commissioner authority to dispose of this case informally.
- 3. CSI engaged in the unauthorized practice of public insurance adjusting, in violation of TEX. INS. CODE § 4102.051 when CSI:
 - a. acted on behalf of the insured in negotiating for or effecting the settlement of a claim or claims for loss or damage under any policy of insurance covering real or personal property, as contemplated by Tex. Ins. Code § 4102.001(3)(A)(i); and
 - b. advertised, solicited business, or held itself out to the public as an adjuster of claims for loss or damage under any policy of insurance covering real or personal property, as contemplated by Tex. Ins. Code § 4102.001(3)(B).

It is ordered that CSI must cease and desist immediately and in perpetuity from:

a. performing the acts of a public insurance adjuster or otherwise engaging in acts that constitute the business of insurance in Texas;

- b. making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or by electronic means, on the internet, in an email or via social media, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to performing the acts of public insurance adjuster, which is untrue, deceptive, or misleading; and
- c. using language in advertisements and/or business forms describing the acts of a public insurance adjuster or any activities related to conducting the unauthorized practice of public insurance adjusting or the business of insurance in Texas.

It is further ordered that CSI Renovations, LLC must pay an administrative penalty of \$2,000 within 30 days of the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

Kent C. Sullivan

Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:

LaKisha T. Seldon McKay

Staff Attorney

Enforcement Section

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<u>Affidavit</u>
STATE OF
COUNTY OF Tarlant §
Before me, Any Cok, a notary public in and for the State of Texas, on this day personally appeared for the State of Texas, on this day personally appeared for the person whose name is subscribed to the foregoing instrument, and acknowledged to me that [he/she] executed the same for the purpose and consideration therein expressed, who being by me duly sworn, deposed as follows:
1. "My name is \(\frac{\sqrt{16} \sqrt{10}}{\sqrt{10}} \). I am of sound mind, capable of making thi statement, and personally acquainted with the facts herein stated.
2. I hold the office of Muncoul. I am the authorized representative of CSI Renovations, LLC, and I am duly authorized by said company to execute this statement.
3. CSI Renovations, LLC has knowingly and voluntarily entered into this Consent Order and agrees with and consents to the issuance and service of the forgoing Consent Order by the Commissioner of Insurance of the State of Texas."
SIGNATURE OF AUTHORIZED REPRESENTATIVE, CSI Renovations, LLC
Given under my hand and seal of office this 12 day of Followary, 2018.
Signature of Notary Public AMY COOK Notary ID #131121105 My Commission Expires May 9, 2021
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NOTARY PUBLIC IN AND FOR THE STATE OF Terral My Commission Expires: May 9, 2021

OFFICIAL ORDER of the TEXAS COMMISSIONER OF INSURANCE

Date: MAY 2 4 2018

Subject Considered:

A-AFFORDABLE ROOFING CO. 1600 Meadow Lane Alvin, Texas 77511

CONSENT CEASE AND DESIST ORDER

TDI ENFORCEMENT FILE NO. 12163

General remarks and official action taken:

The subject of this order is whether a cease and desist order should be issued against A-Affordable Roofing Co. (A-Affordable).

WAIVER

A-Affordable acknowledges that the Texas Insurance Code and other applicable law provide certain rights. A-Affordable waives all of these rights in consideration of the entry of this consent order.

FINDINGS OF FACT

Roofing Contractor

- 1. A-Affordable is a roofing contractor business owned by Ed Rickert (Rickert) and located at 1600 Meadow Lane, Alvin, Texas 77511.
- 2. Neither A-Affordable nor Rickert or any employees of A-Affordable hold a public insurance adjuster license or any other license issued by the Texas Department of Insurance.

Unauthorized Practice of Public Insurance Adjusting

3. On June 8, 2016, the department received a complaint alleging A-Affordable engaged in the unauthorized practice of public insurance adjusting.

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COMMISSIONER'S ORDER A-AFFORDABLE ROOFING CO. Page 2 of 4

- 4. A-Affordable included language describing the acts of a public insurance adjuster in the company's proposal and contract, and business card, including the following:
 - a. A-Affordable's proposal and contract stated: "I hereby authorize A-Affordable to negotiate directly with my insurance company for all property damage repairs at the above address and to act as my agent to negotiate a property damage claim settlement."
 - b. A-Affordable's business card stated: "We work with your insurance company to get you every dime you are owed."
- 5. A-Affordable admits to the use of the improper language in its proposal and contract, and business card, but denies performing the acts of a public insurance adjuster in practice.
- 6. Upon notification by the department, A-Affordable cooperated with the department. On March 29, 2017, the department confirmed that A-Affordable removed all language referencing the unauthorized practice of public insurance adjusting from its materials. A-Affordable agrees to comply with all insurance laws in the future.

CONCLUSIONS OF LAW

- 1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.055, 101.101-101.156, and Ch. 4102.
- 2. TEX. GOV'T CODE § 2001.056, TEX. INS. CODE §§ 82.055, and 28 TEX. ADMIN. CODE § 1.47 give the commissioner authority to dispose of this case informally.
- 3. A-Affordable engaged in the unauthorized practice of public insurance adjusting, in violation of Tex. Ins. Code § 4102.051 when A-Affordable:
 - a. acted on behalf of an insured in negotiating for or effecting the settlement of a claim or claims for loss or damage under any policy of insurance covering real or personal property, as contemplated by Tex. INS. CODE § 4102.001(3)(A)(i); and
 - b. advertised, solicited business, or held itself out to the public as an adjuster of claims for loss or damage under any policy of insurance covering real or personal property, as contemplated by Tex. Ins. Code § 4102.001(3)(B).

It is ordered that A-Affordable Roofing Company must cease and desist immediately and in perpetuity from:

- a. performing the acts of a public insurance adjuster or otherwise engaging in acts that constitute the business of insurance in Texas;
- b. making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the

form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or by electronic means, on the internet, in an email or via social media, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to performing the acts of public insurance adjuster, which is untrue, deceptive, or misleading; and

c. using language in advertisements and/or business forms describing the acts of a public insurance adjuster or any activities related to conducting the unauthorized practice of public insurance adjusting or the business of insurance in Texas.

It is further ordered that A-Affordable Roofing Company must pay an administrative penalty of \$2,000 within 30 days of the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

Kent C. Sullivan

Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:

LaKisha T. Seldon McKay

Staff Attorney

Enforcement Section

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COMMISSIONER'S ORDER A-AFFORDABLE ROOFING CO. Page 4 of 4

<u>Affidavit</u>
STATE OF Texas 8 COUNTY OF Galveston 8
Before me, Brenda Thompson, a notary public in and for the State of Texas, on this day personally appeared Eddie Ricket, known to me or proved to me by, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that [he/she] executed the same for the purposes and consideration therein expressed, who being by me duly sworn, deposed as follows: 1. "My name is
2. I hold the office of
3. A-Affordable Roofing Co. has knowingly and voluntarily entered into this Consent Order and agrees with and consents to the issuance and service of the forgoing Consent Order by the Commissioner of Insurance of the State of Texas."
BRENDA C THOMPSON Notary Public, State of Texas: My Commission Expires: SIGNATURE OF AUTHORIZED REPRESENTATIVE, A-Affordable Roofing Co.
Given under my hand and seal of office this
Signature of Notary Public But the point
Printed Name of Notary Public Brenda Thompson
NOTARY PUBLIC IN AND FOR THE STATE OF TEVES
My Commission Expires: 7 - 2 $\sqrt{7}$ - $\sqrt{9}$