

No. 2018- 5517

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: MAY 24 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.

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

