

No. 2020-6379

**Official Order
of the
Texas Commissioner of Insurance**

Date: 06/29/2020

Subjects Considered:

Cable's Roofing & Construction
13033 Hwy 155 South
Tyler, Texas 75703

Darren Cable
13033 Hwy 155 South
Tyler, Texas 75703

Consent Order
TDI Enforcement File Nos. 15284 & 22828

General remarks and official action taken:

This is a consent order with Cable's Roofing & Construction (Cable's) and Darren Cable (Cable), collectively Respondents. The department alleges that Cable's, a roofing company, and Cable, the company's owner, acted as a public insurance adjuster without a license. Respondents have agreed to cease and desist from performing the acts of a public insurance adjuster or otherwise engaging in acts that constitute the business of insurance in Texas. Respondents further agree to pay, jointly and severally, a \$2,500 administrative penalty.

Waiver

Respondents acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Respondents waive all of those rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

Findings of Fact

Roofing and Construction Contractor

1. Cable's is a roofing and construction business owned by Cable and located at 13033 Hwy 155 S, Tyler, Texas 75703.
2. Neither Cable's, Cable, nor any employee of Cable's hold a public insurance adjuster license.
3. Cheri La Shon Dickson (Dickson), individual identification number 659156, holds an adjuster all lines license issued by the Texas Department of Insurance on November 23, 2005. Cable's and Cable maintain that Dickson's employment is in the capacity of a member of the billing department and that Dickson does not negotiate on behalf of Cable's or its clients with insurance companies.

Unauthorized Practice of Public Insurance Adjusting

4. On June 20, 2017, the department received a complaint alleging Respondents engaged in the unauthorized practice of public insurance adjusting.
5. Cable's used language describing the acts of a public insurance adjuster in the company's marketing brochure and website, including the following:
 - a. Cable's marketing brochure stated: "We work closely with your insurance adjuster and company through the entire process of making the claim & completing the work."
 - b. Cable's website, www.cablesroofing.com, stated: "Negotiating With Your Insurance Company" and "Often time by negotiating on your behalf with your insurance company we are able to recoup significantly more money for your claim."
6. Cable provided a letter in response to the information requested by the department's Consumer Protection Division that stated in reference to Dickson: "We actually have an in-house insurance claim handler. She was a former State Farm adjuster and has had her adjuster's license for over 13 years. She is aware of all the rules and regulations regarding insurance claim guidelines."

7. Respondents admit to the use of the improper language, but maintain that in practice, neither the company nor its employee, Dickson, performed the acts of a public insurance adjuster.
8. Upon notification by the department, Respondents cooperated fully. The department confirmed that Cable's removed all language referencing the unauthorized practice of public insurance adjusting from its marketing brochure and website.
9. Respondents agree to comply with all insurance laws in the future. Respondents further confirm that Dickson is not employed in the capacity as an adjuster or public insurance adjuster, and that she does not and will not perform the acts of a public insurance adjuster on behalf of the company.

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. The commissioner has authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056, TEX. INS. CODE § 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Respondents have knowingly and voluntarily waived all procedural rights to which they may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Respondents engaged in the unauthorized practice of public insurance adjusting, as contemplated by TEX. INS. CODE § 4102.001(3)(B) when they advertised, solicited business, or held themselves out to the public as an adjuster of claims for loss or damage under any policy of insurance covering real or personal property, in violation of TEX. INS. CODE § 4102.051.
5. Respondents violated TEX. INS. CODE § 4102.163(a) by acting as a public insurance adjuster or advertising to adjust claims for any property for which the contractor is providing or may provide roofing services, regardless of whether the contractor holds a license.

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Order

It is ordered that Cable's Roofing & Construction and Darren Cable 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;
- c. 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 having an "in-house insurance claim handler", which is deceptive, or misleading; and
- d. 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 Cable's Roofing & Construction and Darren Cable must pay, jointly and severally, an administrative penalty of \$2,500 within 30 days of the date of this order. The penalty must be paid by cashier's check or money order made payable to the "State of Texas" and sent to the Texas Department of Insurance, Attn: Enforcement Division 60851, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.

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Kent C. Sullivan
Commissioner of Insurance

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By: _____
Doug Slape
Chief Deputy Commissioner
Commissioner's Order No. 2018-5528

Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Enforcement Division



Stephanie Andrews, Staff Attorney
Enforcement Division

