OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: OCT 05 2018

Subject Considered:

R & R EXTERIORS
1611 N Interstate 35E Ste 420
Carrollton, Texas 75006-8616

CONSENT CEASE AND DESIST ORDER
TDI ENFORCEMENT FILE NO. 14422

General remarks and official action taken:
The subject of this order is whether a cease and desist order should be issued against R & R Exteriors (R & R).

WAIVER

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

FINDINGS OF FACT

Roofing Contractor

1. R & R is a roofing business owned by Mark Richardson (Richardson) and located at 1611 N Interstate 35E, Suite 420, Carrollton, Texas 75006. R & R operates a second location at 10440 N Central Expressway, Suite 800, Dallas, Texas 75231.

2. Neither R & R nor Richardson or any employees of R & R 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 May 10, 2017, the department received a complaint alleging R & R engaged in the unauthorized practice of public insurance adjusting.

4. R & R used language describing the acts of a public insurance adjuster on the company’s website, www.bestrooferdallas.com, including the following:
a. “Texas licensed adjuster working with you on your insurance claims’’;

b. “Walk you through the claims process every step of the way, always keeping in
mind your unique roofing requirements and style preferences’’;

c. “Ensure that you have a clear understanding of the process at all times, promptly
informing you of significant updates or changes to your claim status’’;

d. “Explain to you in plain English what your insurance settlement means’’; and

e. “Aggressively pursue missing items and/or incorrect settlement pricing from the
original adjuster’s assessment.’’

5. R & R admits to the use of the improper language.

6. R & R admits it contracted with SFY, LLC (SFY), then a non-resident, licensed public
insurance adjuster, to create estimates and put together supplements.

7. In March 2018, SFY surrendered its license, and agreed not to apply for licensure with the
department for five years from the effective date of that surrender.

8. Upon notification by the department, R & R cooperated with the department’s
investigation. On March 3, 2018, the department confirmed that R & R removed all
language referencing the unauthorized practice of public insurance adjusting from its
website. R & R agrees to comply with all insurance laws in the future, including not hiring
or contracting with a third party to perform the unauthorized acts of public insurance
adjusting.

**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. R & R engaged in the unauthorized practice of public insurance adjusting, in violation of
TEX. INS. CODE § 4102.051 when R & R 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).

4. R & R violated TEX. INS. CODE § 4102.163(a) by acting as a public 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.
It is ordered that R & R Exteriors 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 R & R Exteriors must pay an administrative penalty of $5,000 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” and sent 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:

Elissa Mazza
Staff Attorney, Enforcement Section
Texas Department of Insurance
Affidavit

STATE OF _TEXAS_  
COUNTY OF _DALLAS_ 

Before me, _James Richardson_, a notary public in and for the State of Texas, on this day personally appeared _Marc Richardson_, known to me or proved to me by _personally known_ 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 _Marc Richardson_. I am of sound mind, capable of making this statement, and personally acquainted with the facts herein stated.

2. I hold the office of _Owner_. I am the authorized representative of R & R Exteriors, and I am duly authorized by said company to execute this statement.

3. R & R Exteriors 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]

SIGNATURE OF AUTHORIZED REPRESENTATIVE, R & R Exteriors

Given under my hand and seal of office this _21_ day of _August_, 2018.

Signature of Notary Public

_Printed Name of Notary Public_