

No. 2019- 5943

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

Date: APR 2 5 2019

Subject Considered:

Mike Huddleston Roofing Systems
1285 North Main St., Suite 201
Mansfield, Texas 76063

Consent Cease and Desist Order
TDI Enforcement File No. 14471

General remarks and official action taken:

The subject of this order is whether a cease and desist order should be issued against Mike Huddleston Roofing Systems (Huddleston Roofing).

Waiver

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

The following findings of fact and conclusions of law are adopted:

Findings of Fact

Roofing Contractor

1. Huddleston Roofing is a roofing contractor business owned by Mike Huddleston (Huddleston) and located at 1285 North Main Street, Suite 201, Mansfield, Texas 76063.

2. Neither Huddleston Roofing nor Huddleston or any employees of Huddleston Roofing hold any license issued by the Texas Department of Insurance.

Deceptive and Misleading Advertisement

3. In the aftermath of Hurricane Harvey, the department received information that Huddleston Roofing had engaged in improper and deceptive advertising.
4. Huddleston Roofing represented on its business card that it was affiliated with and/or approved by the "Texas Department of Insurance."
5. TDI staff doing field work to assist consumers following Hurricane Harvey discovered that Huddleston Roofing was distributing this business card to consumers.
6. Upon notification by TDI, Huddleston Roofing fully cooperated with TDI and removed the language from its business cards. Huddleston Roofing 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. 541, and 28 TEX. ADMIN. CODE § 21.104.
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. Huddleston Roofing has knowingly and voluntarily waived all procedural rights to which it 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. Huddleston Roofing violated TEX. INS. CODE § 541.052(a) by making, publishing, disseminating, circulating, or placing before the public or directly or indirectly causing to be made, published, disseminated, circulated, or placed before the public an advertisement, announcement, or statement containing an untrue, deceptive, or misleading assertion, representation, or statement regarding the

business of insurance or a person in the conduct of the person's insurance business.

5. Huddleston Roofing violated 28 TEX. ADMIN. CODE § 21.104(c) by using an advertisement that included content and phraseology so similar to the combination of words normally or usually used by an agency of this state or that otherwise appeared to be of such a nature that the advertisement or solicitation has the capacity or tendency to confuse or mislead prospective insureds into believing that such advertisement or solicitation is connected with an agency of the municipal, state, or federal government.

Order

It is ordered that Mike Huddleston Roofing Systems must cease and desist immediately and in perpetuity from:

- a. representing that Huddleston Roofing is affiliated with or approved by the Texas Department of Insurance in any capacity on all forms of advertising and communication with the public;
- b. using language in advertisements and/or business forms that includes content that would confuse or mislead prospective insureds;
- 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 performing the business of insurance, which is untrue, 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.

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It is further ordered that Mike Huddleston Roofing Systems must pay an administrative penalty of \$4,000 within 90 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

By:



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

Recommended and reviewed by:



Leah Gillum, Associate Commissioner
Enforcement Section



Sarah White, Staff Attorney
Enforcement Section

