

JAN 24 2013

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY 

In the Matter of:)
)
DC ROOFING & DRYWALL, LLC)
)
)
Respondent.)

No. 13A-020-INS
ORDER TO CEASE
AND DESIST

The Arizona Department of Insurance ("Department") has received evidence that DC Roofing & Drywall, LLC has unlawfully acted as an adjuster in the State of Arizona. Accordingly, the Director of Insurance of the State of Arizona (the "Director") makes the following Findings of Fact and Conclusions of Law and enters the following Order pursuant to A.R.S. § 20-292.

FINDINGS OF FACT

1. DC Roofing & Drywall, LLC ("Respondent" or "DC Roofing") is an Arizona limited liability company. DC Roofing is not licensed with the Department as an adjuster.
2. On or about September 4, 2012, American Strategic Insurance Company filed a Complaint with the Department alleging that DC Roofing was acting as an unlicensed adjuster.
5. On or about April 10, 2012, DC Roofing entered into a contract with homeowner, Marcus Gonzalez ("DC Roofing Contract"). The DC Roofing Contract contained the following provisions:
 1. Owners hereby appoint DC Roofing & Drywall LLC as their Agent to work with their Insurance Company regarding their claim. A Representative of DC Roofing & Drywall LLC will meet with your Insurance Company and will represent your best interest making sure your Insurance Company recognizes all damages and pays you a fair dollar amount to restore your property.
 2. ...
 3. ...

1 4. . . .

2 5. . . .

3 6. If the Owners Claim is allowed (in whole or in part) due to DC Roofing
4 & Drywall LLC assistance and DC Roofing & Drywall LLC is not
5 allowed to provide the contemplated repair services for the approved
6 work; then the Owners agree to pay DC Roofing & Drywall LLC a sum
7 equal to 18% of the Final Estimate amount as compensation for its
8 time & expertise.

9 **CONCLUSIONS OF LAW**

10 1. The Director has jurisdiction over this matter.

11 2. An adjuster means any person who for compensation, fee or commission
12 either adjusts, investigates or negotiates settlement of claims arising under insurance
13 contracts on behalf of an insured or holds oneself out to perform those services, within the
14 meaning of A.R.S. § 20-321(1).

15 3. Respondent is not exempt from the licensing requirement, within the meaning
16 of A.R.S. § 20-321(1)(b).

17 4. Respondent's conduct, as alleged above, constitutes acting as or claiming to
18 be an adjuster without being licensed as an adjuster, in violation of A.R.S. § 20-321.01(A).

19 5. Grounds exist to issue a cease and desist order to Respondent for acting as
20 or claiming to be an adjuster without being licensed, within the meaning of A.R.S. §20-292
21 as applied to adjusters under A.R.S. § 20-321.02.

22 **ORDER**

23 IT IS THEREFORE ORDERED:

24 1. Respondent shall immediately cease and desist from unlawfully acting as or
25 claiming to be an adjuster.

26 2. This Order shall become effective immediately and shall remain in full force
and effect until otherwise stayed, modified, vacated or set aside.

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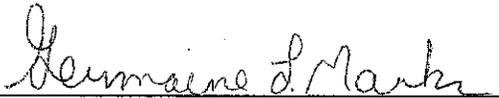
NOTICE OF OPPORTUNITY FOR HEARING

Pursuant to Title 20 of the Arizona Revised Statutes, Respondent is hereby notified that he may request a hearing pursuant to A.R.S. § 20-161 to contest the order to cease and desist. Such a request must be in writing and received at the following address within thirty (30) days from the date hereof:

Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85012
ATTN: Director's Office

Upon receipt of a timely written request for hearing, the Director will issue an order setting the time and place of the hearing.

DATED AND EFFECTIVE this 24th day of January, 2013.


GERMAINE L. MARKS, Director
Arizona Department of Insurance

COPY of the foregoing mailed,
return receipt requested, this
24th day of January, 2013 to:

DC Roofing & Drywall, LLC
c/o David NMN Corona
1517 Quartz Ave
Parker, AZ 85344
Statutory Agent for Respondent

DC Roofing & Drywall, LLC
7340 West Tuckey Lane
Glendale, AZ 85303
Respondent

DC Roofing & Drywall, LLC
5350 W. Bell Road #C122-108
Glendale, AZ 85308
Respondent

1 DC Roofing & Drywall, LLC
2 2802 E. Greenway Rd.
3 Phoenix, AZ 85032
4 Respondent

5 COPY of the foregoing mailed this
6 24th day of January, 2013 to:

7 Lynette Evans
8 Assistant Attorney General
9 1275 West Washington
10 Phoenix, Arizona 85007
11 Attorney for the Department

12 Gerrie Marks, Deputy Director
13 Mary E. Kosinski, Exec. Assistant for Reg. Affairs
14 Catherine M. O'Neil, Consumer Legal Affairs Officer
15 Mary Butterfield, Assistant Director
16 Charles Gregory, Investigations Supervisor
17 Randy Markham, Investigations
18 Department of Insurance
19 2910 North 44th Street, Suite 210
20 Phoenix, Arizona 85018

21 Telah Thompson
22 c/o ASI Insurance
23 P.O. Box 20089
24 St. Petersburg, FL 33742

25 

26 Curvey Walters Burton