

BEFORE THE IOWA INSURANCE COMMISSIONER

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)	
IN THE MATTER OF)	Division Case No. 108815
)	
GOATCO, LLC D/B/A)	CONSENT TO CEASE
ANCHOR ROOFING)	AND DESIST ORDER
)	
)	
Respondent)	
)	

NOW THEREFORE, upon the motion of the Iowa Insurance Division (“Division”) and by the consent of Goatco, LLC d/b/a Anchor Roofing, pursuant to the provisions of Iowa Code chapter 522C-Licensing of Public Adjusters and Iowa Administrative Code chapter 191-55, Licensing of Public Adjusters, the Commissioner enters the following Consent to Cease and Desist Order (“Consent Order”):

I. PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Douglas M. Ommen, directly and through his designees, administers and enforces Iowa Code chapter 522C-Licensing of Public Adjusters and Iowa Administrative Code chapter 191-55, Licensing of Public Adjusters.
2. Goatco, LLC is a Nebraska domestic limited liability corporation with its designated office address being 10615 S 210th Street, Gretna, Nebraska 68028.
3. Goatco, LLC’s registered agent is USCA, INC., 1603 Farnam Street, Omaha, Nebraska 68102.
4. Goatco, LLC’s tradename is Anchor Roofing and it does business as Anchor Roofing. Goatco, LLC will hereinafter be referenced as “Anchor Roofing.”
5. Anchor Roofing maintains physical business offices in Rapid City, South Dakota and Omaha, Nebraska.

6. Anchor Roofing's principal business location is located at 6886 S 118th Street Suite 103, Omaha, Nebraska 68137.

7. Pursuant to Iowa Code § 505.28, Respondent has consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by Iowa Code chapter 522C.

8. On or about September 1, 2020 to present, Respondent engaged in acts and practices within the state of Iowa constituting cause for a summary order to cease and desist from engaging in such acts or practices and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code § 505.8(10), Iowa Code chapter 522C, and rules adopted pursuant to this chapter.

9. A Summary Cease and Desist was issued by the Commissioner on February 23, 2021.

10. Anchor Roofing voluntarily enters into this Consent to Cease and Desist Order and hereby waives a hearing to challenge the Summary Cease and Desist Order Issued February 23, 2021.

11. Anchor Roofing denies the findings of fact found herein, but does not intend to challenge the Summary Cease and Desist Order and hereby consents to the following Cease and Desist Order.

II. FINDINGS OF FACT

12. Anchor Roofing's website represents that it provides the following services: roof repair services, siding installation and repair, storm damage restoration, and free inspections.

13. Anchor Roofing's website represents that it serves customers in Nebraska and South Dakota.

14. Anchor Roofing is not a licensed public adjuster in the state of Iowa.

15. Mark Geary "Geary" is employed by Anchor Roofing as its Operations Manager.

16. Geary is not a licensed public adjuster in the state of Iowa.

CONSUMER MR. P

17. On September 18, 2020, Geary sent the following email from his Anchor Roofing email account to Iowa Consumer Mr. P.

[Mr. P],

My name is Mark Geary - I'm the Operations Manager for Anchor Roofing. *One of the things I do is work with insurance companies on claim appeals*, which is why I'm contacting you. Ollie and Skye have filled me in on your situation and *I'd like to take a run at your insurance company* with your help.

Specifically, *I've ghost-written an email below as if I'm you* to send to your insurance adjuster. In these situations, the homeowner has "more teeth" than we do, *so we always want the communications to come from you, seemingly unattached to a contractor*. The email is pretty straight-forward; it's simply requesting that the metal components on your roof be added to the loss statement and *it also plants the seed for us*, once they do that, *to try to argue even further for you*. However, getting the valleys and vents on a loss statement is step one.

Please, review this brief email and let me know if you have any questions. If not, go ahead and simply copy/paste this into a new email from you and send it to [the insurance company adjuster] (his contact info should be on some paperwork you've received).

Have a great weekend!

Mark

[the insurance company adjuster],

I'm writing in regards to my house located at [Consumer Mr. P street address], Red Oak, IA - 51566.

Specifically, I'd like to request that the valley metal on the house, as well as the other metal components like my box vents, be added to the loss statement as they were damaged by hail. Both my licensed contractor and the engineer report produced by your company validate this. I'd also like to request that, as these components are added, the other components of

the roof that will need to be replaced/involved in this repair for code reasons (individual shake shingles, Ice and Water Shield, etc.) be added to the loss statement. The estimate needs to reflect whatever is necessary to fulfill the terms of my policy: restoring my home to "pre-storm" condition.

I request this be reviewed and completed in the next 7 days.

Respectfully,

[Consumer Mr. P]
(Emphasis added).

18. On September 28, 2020, another Anchor Roofing employee, Oliver Hodges, re-sent the same email from his Anchor Roofing email to Mr. P.
19. On October 8, 2020, Mr. P forwarded the entire email chain to his homeowners' insurance adjuster.

DIVISION INVESTIGATION

20. On February 17, 2021, a Division complaint analyst contacted Geary by telephone inquiring about his interaction with Mr. P and the ghost-written email Geary drafted.
21. When Geary was questioned by phone about his involvement with Mr. P, Geary represented he did not personally work with Mr. P and that Mr. P worked mostly with another Anchor Roofing employee. When pressed about his interactions with Mr. P, another voice came onto the call, Mike Meyer, the owner of Anchor, and stated "neither Mark or I worked directly with Mr. P." Geary had not previously advised that anyone other than himself was on the telephone during the call.
22. Immediately after Meyer's statement, the Division complaint analyst asked Geary about an email sent from Geary to Mr. P indicating Geary was reaching out to ghost write an email to Mr. P's insurance company. After reading a portion of Geary's email and asking a question

about statements in the email, Geary stated he did not want to “proceed with this conversation until I have some legal counsel present” and the call was terminated.

III. CONCLUSIONS OF LAW

COUNT I

Unlicensed Public Adjuster

23. Iowa Code § 522C.4 states a “person shall not operate as or represent that the person is a public adjuster in this state unless the person is licensed by the commissioner in accordance with this chapter.”

24. Iowa Code § 522C.2(7) provides that:

“Public adjuster” means any person who for compensation or any other thing of value acts on behalf of an insured by doing any of the following:

a. Acting for or aiding an insured in negotiating for or effecting the settlement of a first-party claim for loss or damage to real or personal property of the insured.

b. Advertising for employment as a public adjuster of first-party insurance claims or otherwise soliciting business or representing to the public that the person is a public adjuster of first-party insurance claims for loss or damage to real or personal property of an insured.

c. Directly or indirectly soliciting business investigating or adjusting losses, or advising an insured about first-party claims for loss or damage to real or personal property of the insured.

25. Geary wrote an email from his Anchor Roofing email account, as if he was Mr. P, in an attempt to aide or effect the settlement of a first-party claim for loss.

26. Geary emailed directions to Mr. P in how to cut and paste the ghost-written email and described wanting to “take a run at [Mr. P’s] insurance company.” Geary told Mr. P “we always want the communications to come from you, seemingly unattached to a contractor.” Geary also described his ghost-written email as a “pretty straight-forward” attempt to get “components added to the loss statement and it also plants the seed for us....to try and argue even further for

you." Geary clearly intended to advocate for Mr. P and/or negotiate, aide, or effect the settlement of Mr. P's first-party claim for loss to his home.

27. Anchor Roofing, through another one of its employees, Oliver Hodges, sent this same email to Mr. P ten days later, continuing to aide or effect the settlement of a first-party claim.

28. Geary represented to the Division that he did not personally work with Mr. P even though he had sent a ghost-written email to Mr. P with specific directions on how and why Mr. P should provide this ghost-written email to Mr. P's insurance company.

29. Respondent's acts and practices have been in violation of Iowa Code§ 522C.4, subjecting Respondent to an order requiring Respondent to cease and desist from engaging in such acts or practices and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code§§ 505.8, 507A, 522C.4, and 522C.

IV. ORDER

WHEREFORE, IT IS ORDERED pursuant to the powers granted to the Commissioner of Insurance by Iowa Code chapters 505 and 522C:

A. Respondent shall not in the state of Iowa:

1. Act for or aid an insured in negotiating for or effect the settlement of a first-party claim for loss or damage to real or personal property of the insured;
2. Advertise for employment as a public adjuster of first-party insurance claims or otherwise solicit business or represent to the public that the person is a public adjuster of first-party insurance claims for loss or damage to real or personal property of an insured; or
3. Directly or indirectly solicit business investigating or adjusting losses, or advising an insured about first-party claims for loss or damage to real or personal property of the insured.

- B. Respondent, and any unlicensed employees, agents, or contracted parties working on Respondent's behalf pursuant to Iowa Code §522C.6, shall cease and desist from any and all acts or practices in the state of Iowa that require licensure as a public adjuster;
- C. Respondent shall, contemporaneously with this Order, pay the amount of \$750.00 for costs of investigation and prosecution, to be credited to the Iowa Enforcement Fund, to provide funds for insurance enforcement and education pursuant to Iowa Code §§505.8 and 507A;
- D. Pursuant to Iowa Code §522C.6, Respondent is assessed a civil penalty in the amount of \$1,000.00 paid contemporaneously with this order, payable to the Iowa Insurance Division, to be credited to the Iowa Enforcement Fund, to provide funds for insurance enforcement and education pursuant to Iowa Code §§505.8 and 507A; and
- E. This order may be enforced under Iowa Code chapters 505 and 522C, including but not limited to Iowa Code § 507.8 and 522B.17(3), and additionally, by any collection remedies available to the State of Iowa Department of Revenue for unpaid penalties and other ordered monetary amounts.

IT IS FURTHER ORDERED that the Summary Order to Cease and Desist issued on February 23, 2021 is vacated.

SO ORDERED on the 29th day of March, 2021.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Respectfully submitted,



LANNY ZIEMAN
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Iowa 50315 (515) 654-6564
Lanny.ziemann@iid.iowa.gov

ATTORNEY FOR THE DIVISION

Copies to:

GOATCO, LLC
USCA, INC.,
1603 Farnam Street,
Omaha, Nebraska 68102

Anchor Roofing
6886 S 118th St Suite 103
Omaha, Nebraska 68137

John Lingelbach
Koley Jessen P.C., L.L.O.
1125 South 103rd Street, Suite 800
Omaha, NE 68124

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause, or their attorney, at their respective addresses disclosed on the pleadings on March 29, 2021.

By: () First Class Mail () Personal Service
() Restricted certified mail, return receipt (X) Email, by consent
() Certified mail, return receipt () _____

Signature: /s/ Hilary Foster
Hilary Foster

NOTICE OF PENALTIES FOR WILLFUL VIOLATION OF THIS ORDER

YOU ARE ALSO NOTIFIED that if you violate this Order, you may be subject to administrative and civil penalties pursuant to Iowa Code § 507A. The Commissioner may petition the district court to hold a hearing to enforce the order as certified by the Commissioner. The district court may assess a civil penalty against you in an amount not less than three thousand dollars but not greater than ten thousand dollars for each violation, and may issue further orders as it deems appropriate.

NOTICE OF FINAL ORDER IMPACT

A final order of a cease and desist order may adversely affect other existing business or professional licenses and may result in license revocation or disciplinary action.

A final order in an administrative action does not resolve any potential criminal or civil violations or causes of action that might arise from the same or similar conduct that is the subject of this this order. It may result in criminal law enforcement authorities, including the fraud bureau of the Iowa Insurance Division, pursuing a criminal investigation or prosecution of potential criminal law violations.

CONSENT TO ORDER AND AGREEMENT

I, Michael Meyer, of Goatco, LLC d/b/a Anchor Roofing, Respondent in this matter, have read, understood, and do knowingly consent to this Order in its entirety. By executing this Consent, I understand that I am waiving my rights to a hearing, to confront and cross-examine witnesses, to produce evidence, and to judicial review.

I further understand this Order is considered a final administrative action that will be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand this Order is a public record under Iowa Code chapter 22 and information may be shared with other regulatory authorities or governmental agencies, pursuant to Iowa Code § 505.8(8)(d). I also understand this Order will be posted to the Division's website and a notation will be made to the publicly available website record that administrative action has been taken against me.

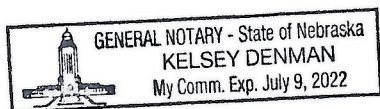
Dated: 3/19/21

Michael Meyer
Goatco, LLC d/b/a Anchor Roofing, Respondent

Owner
Title

10615 S. 210th St. Grctna, NE 68028
Address of Signatory

Subscribed and sworn before me by Michael Meyer on this 19th day of March, 2021.



Kelsey Denman
Notary Public for the State of Nebraska