

**STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE REGULATION**

Before the Commissioner of the Office of Financial and Insurance Regulation

**Gary M. Lappin,
Petitioner,**

v

**Case No. 07-639-L
Docket No. 2007-349**

**Office of Financial and Insurance Regulation,
Respondent.**

Issued and entered
this 21st day of January 2010
by Ken Ross
Commissioner

**FINAL DECISION WITHDRAWING AND VACATING
PRIOR FINAL DECISION DATED MAY 29, 2009**

The Petitioner is a public adjuster licensed by the Office of Financial and Insurance Regulation (OFIR). Adjusters evaluate property losses for individuals and assist individuals in settling claims with their insurers. According to MCL 500.1226(4), an adjuster "shall not provide his or her services to a client until the adjuster has contracted in writing, on a form approved by the commissioner, with the insured or his or her authorized representative."

On or about February 18, 2005, Petitioner submitted to OFIR an adjuster contract form for use by Petitioner and his adjusting firm, Allied & Associates, Inc., together with its officers, agents, and employees (Allied Associates), in contracting with insureds. The Commissioner of OFIR, by and through OFIR staff, disapproved Petitioner's adjuster contract form. Petitioner requested a hearing, which was assigned the above-captioned case and docket number.

Following the hearing, the Administrative Law Judge issued a Proposal for Decision (PFD) dated

December 26, 2008 upholding OFIR staff's disapproval. On May 29, 2009, based upon the PFD, the Commissioner issued and entered a Final Decision in this matter upholding OFIR staff's disapproval of the adjuster contract form submitted by Petitioner on or about February 18, 2005.

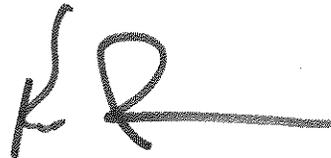
On or about July 27, 2009, Petitioner filed a Petition for Review of the May 29, 2009 Final Decision in the Oakland County Circuit Court. Petitioner combined with his Petition for Review a Complaint for Declaratory Judgment, Injunctive Relief and Damages against the Commissioner and three OFIR employees / former employees. The matter was assigned Case No. 09-102596-AA before the Honorable John J. McDonald (the Lawsuit).

The parties to the Lawsuit have negotiated in good faith and have reached a settlement of the issues involved therein. According to the terms of the settlement, the Commissioner finds and concludes that the May 29, 2009 Final Decision should be withdrawn and vacated and that this Final Decision should be substituted in its place.

ORDER

Therefore, it is ORDERED that:

1. The Final Decision issued and entered in this case on May 29, 2009 is withdrawn and vacated.
2. The previously approved adjuster contract form for Allied Adjusters & Appraisers, Inc. (Allied Adjusters), and the form which was used by Allied Associates, shall be deemed to have been approved by the Commissioner for use by Allied Adjusters and Allied Associates until no later than November 20, 2007, when the Commissioner approved a new adjuster contract form for use by Plaintiff and Allied Associates.
3. Any and all other forms that the Commissioner approved for use by Plaintiff, Allied Adjusters, and Allied Associates between April 30, 2004 and November 20, 2007 shall remain approved for use until November 20, 2007.



Ken Ross
Commissioner