

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION
Before the Commissioner of Financial and Insurance Regulation

Office of Financial and Insurance Regulation
Petitioner

v

Case No. 10-7780

James Carrier
Respondent

For the Petitioner:

Elizabeth Bolden
Office of Financial and Insurance Regulation
P.O. Box 30220
Lansing, MI 48909-7720

For the Respondent:

James Carrier
Advanced Adjusting, LLC
525 N. Main St., Suite 270
Milford, MI 48381

Issued and entered
this 29th day of July 2011
by R. Kevin Clinton
Commissioner

FINAL DECISION

I. BACKGROUND

Respondent James Carrier is a licensed public adjuster in Michigan. In April 2011, the Office of Financial and Insurance Regulation (OFIR) received information that Respondent had engaged in fraudulent conduct in connection with the adjustment of a fire loss suffered by [REDACTED] of [REDACTED] Michigan. OFIR investigated the complaint and initiated a compliance action.

On June 14, 2011, Acting Chief Deputy Commissioner Catherine Kirby issued an Administrative Complaint and Order for Hearing in this case. The Complaint set forth detailed allegations that Respondent had violated provisions of the Michigan Insurance Code (MCL 500.100, *et seq.*).

The order for hearing required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file an answer to the allegations with a statement that Respondent plans to attend the hearing, or request an adjournment. Respondent failed to take any of these actions.

On July 12, 2011, OFIR staff filed a Motion for Final Decision. Respondent did not file a reply to the motion. Given Respondent's failure to answer, Petitioner's motion is granted. The administrative complaint, being unchallenged, is accepted as true. Based on the administrative complaint, the Commissioner makes the following findings of fact and conclusions of law.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent James Carrier holds a Michigan public adjuster license.
2. In June 2010, Respondent acted as an adjuster for [REDACTED] in connection with a fire loss involving Mr. [REDACTED] home. Respondent received a payment from Mr. [REDACTED] insurer. Respondent failed to forward this payment to Mr. [REDACTED] as he was required to do. Mr. [REDACTED] made numerous attempts to contact Respondent about the payment but Respondent refused to return Mr. [REDACTED] calls. Respondent remains in possession of Mr. [REDACTED] funds.
3. Section 1224(3) of the Michigan Insurance Code, MCL 500.1224(3), requires that an individual must be of good moral character in order to hold a public adjuster license. Section 1242(2) of the Insurance Code, MCL 500.1242(2), authorizes the Commissioner to revoke the license of a public adjuster who fails to maintain the standards required for licensing.
4. Respondent's conduct demonstrates that he lacks the good moral character required of a public adjuster.
5. Respondent is not qualified to hold a Michigan public adjuster license.

III. ORDER

Based on the conduct described above and in accordance with sections 1242(2) and 1244 of the Michigan Insurance Code, MCL 500.1242(2) and 500.1244:

1. Respondent shall cease and desist from the violations identified in this Final Decision.
2. Respondent shall pay a civil fine of \$2,500.00.
3. Respondent shall pay restitution of \$2,112.00 to [REDACTED]

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4. Respondent's public adjuster license is revoked.

A handwritten signature in cursive script, appearing to read "R. Kevin Clinton", written over a horizontal line.

R. Kevin Clinton
Commissioner