

**FILED**

FEB 15 2010

Docketed by SS



REPRESENTING  
**ALEX SINK**  
CHIEF FINANCIAL OFFICER  
STATE OF FLORIDA

IN THE MATTER OF:

UNITED ROOFING SYSTEMS, LLC  
AND GREG HADDOX

CASE NOS.: 107642-09-AG  
107643-09-AG

NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER

UNITED ROOFING SYSTEMS, LLC  
through Greg Haddox  
1832 Wabasso Drive  
West Palm Beach, Florida 33409

GREG HADDOX  
1832 Wabasso Drive  
West Palm Beach, Florida 33409

UNITED ROOFING SYSTEMS, LLC and GREG HADDOX are hereby notified that the Chief Financial Officer of the State of Florida has caused to be made an investigation of your activities, as a result of which it is alleged:

GENERAL ALLEGATIONS

1. UNITED ROOFING SYSTEMS, LLC, is not licensed as a public adjuster, and does not hold any other license issued under or pursuant to the Florida Insurance Code.
2. At all times relevant to the dates and occurrences referred to herein, UNITED ROOFING SYSTEMS, LLC, did not hold a public adjuster license, or any other license issued under or pursuant to the Florida Insurance Code.

3. At all times relevant to the dates and occurrences referred to herein, UNITED ROOFING SYSTEMS, LLC, was ineligible to hold a public adjuster license.

4. At all times relevant to the dates and occurrences referred to herein, GREG HADDOX was the sole Managing Member/Manager of United Roofing Systems, LLC.

5. Section 624.10, Florida Statutes, provides that transacting insurance includes any of the following, in addition to other applicable provisions of the Florida Insurance Code: 1) solicitation or inducement; 2) preliminary negotiations; 3) effectuation of a contract of insurance; and 4) transaction of matters subsequent to effectuation of a contract of insurance and arising out of it.

6. Pursuant to Chapter 626, Florida Statutes, the Florida Department of Financial Services ("Department") has jurisdiction over UNITED ROOFING SYSTEMS, LLC, GREG HADDOX, and the business of insurance.

#### COUNT I

7. The above general allegations are hereby realleged and fully incorporated herein by reference.

8. On or around June 2, 2009, UNITED ROOFING SYSTEMS, LLC, ran an advertisement in a newspaper which stated "WE HAVE A FULL STAFF OF INSURANCE CLAIM SPECIALISTS TO WORK FOR YOU."

9. UNITED ROOFING SYSTEMS, LLC, does not have a full staff of insurance claim specialists.

10. In fact, at all times relevant to the dates and occurrences referred to herein, UNITED ROOFING SYSTEMS, LLC, did not have a person on its staff who served as an insurance claim specialist.

11. UNITED ROOFING SYSTEMS, LLC, knew that it did not have a full staff of insurance claim specialists.

12. UNITED ROOFING SYSTEMS, LLC, knew it did not have any person on its staff who served as an insurance claim specialist.

13. GREG HADDOX knew that UNITED ROOFING SYSTEMS, LLC did not have a full staff of insurance claim specialists.

14. GREG HADDOX knew UNITED ROOFING SYSTEMS, LLC did not have any person on its staff who served as an insurance claim specialist.

IT IS THEREFORE CHARGED that UNITED ROOFING SYSTEMS, LLC and GREG HADDOX have violated or are accountable under one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitute grounds for the imposition of a cease and desist order and fines:

(a) No person shall engage in this state in any trade practice which is defined in Part IX of the Florida Insurance Code as, or determined pursuant to section 626.951 or section 626.9561, Florida Statutes, to be, an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance. [Section 626.9521(1), Florida Statutes];

(b) False information and advertising generally. Knowingly 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:

1. In a newspaper, magazine, or other publication,
2. In the form of a notice, circular, pamphlet, letter, or poster,
3. Over any radio or television station, or

4. In any other way,

an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance, which is untrue, deceptive, or misleading.

[Section 626.9541(1)(b), Florida Statutes]; and

(c) False statements and entries.

1. Knowingly:

a. Filing with any supervisory or other public official,

b. Making, publishing, disseminating, circulating,

c. Delivering to any person,

d. Placing before the public,

e. Causing, directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public,

any false material statement. [Section 626.9541(1)(e)1, Florida Statutes].

#### COUNT II

15. The above general allegations are hereby realleged and fully incorporated herein by reference.

16. On or around June 2, 2009, UNITED ROOFING SYSTEMS, LLC, ran an advertisement in a newspaper which stated "WE HAVE A FULL STAFF OF INSURANCE CLAIM SPECIALISTS TO WORK FOR YOU."

17. Through the advertisement, UNITED ROOFING SYSTEMS, LLC has advertised, and/or held itself out, to be a public adjuster.

18. The advertisement listed UNITED ROOFING SYSTEMS, LLC's telephone number, which the public could use to contact the company.

19. GREG HADDOX knew that the advertisement listed UNITED ROOFING SYSTEMS, LLC's telephone number.

20. Through the advertisement, UNITED ROOFING SYSTEMS, LLC has transacted insurance through solicitation and inducement.

IT IS THEREFORE CHARGED that UNITED ROOFING SYSTEMS, LLC and GREG HADDOX have violated or are accountable under one or more of the following provisions of the Florida Statutes or Florida Administrative Code, which constitute grounds for the imposition of a cease and desist order and fines:

(a) No person may be, act as, or advertise or hold himself or herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by the department and appointed by an appropriate appointing entity or person. [Section 626.112(1)(a), Florida Statutes];

(b) Engaging in the business of insurance without being properly licensed. [Sections 626.9571(1), Florida Statutes]; and

(c) Engaging in the unlawful transaction of insurance. [Sections 626.9581, Florida Statutes].

WHEREFORE, UNITED ROOFING SYSTEMS, LLC and GREG HADDOX are hereby notified that the Chief Financial Officer intends to enter an Order requiring you to cease and desist, imposing a fine and other such penalties as may be provided under the provisions of Sections 626.9521, 626.9571, and 626.9581, Florida Statutes, any referenced sections of the

Florida Statutes as set out in this Notice, and under any other applicable sections of the Florida Insurance Code.

### NOTICE OF RIGHTS

You have the right to request a proceeding to contest this action by the Department pursuant to sections 120.569 and 120.57, Florida Statutes, and Rule 28-106, Florida Administrative Code. The proceeding request must be in writing, signed by you, and must be filed with the Department within twenty-one (21) days of your receipt of this notice. Completion of the attached Election of Proceeding form and/or a petition for administrative hearing will suffice as a written request. The request must be filed with the General Counsel as acting Agency Clerk, at the Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333. Your written response must be received by the Department no later than 5:00 p.m. on the twenty-first day after your receipt of this notice. Mailing the response on the twenty-first day will not preserve your right to a hearing.

YOUR FAILURE TO RESPOND IN WRITING WITHIN TWENTY-ONE (21) DAYS OF YOUR RECEIPT OF THIS NOTICE WILL CONSTITUTE A WAIVER OF YOUR RIGHT TO REQUEST A PROCEEDING ON THE MATTERS ALLEGED HEREIN AND A CEASE AND DESIST ORDER WILL BE ENTERED AGAINST YOU. VIOLATION OF THE ORDER TO CEASE AND DESIST WILL SUBJECT YOU TO FINE UP TO \$50,000, PURSUANT TO SECTION 626.9601, FLORIDA STATUTES.

If you request a proceeding, you must provide information that complies with the requirements of Rule 28-106.201(2), Florida Administrative Code. As noted above, completion of the attached Election of Proceeding form conforms to these requirements. Specifically, your response must contain:

- (a) The name and address of each agency affected and each agency's file or

identification number, if known;

(b) The name, address, and telephone number of the Petitioner; the name, address, and telephone number of the Petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the Petitioner's substantial interests will be affected by the Department's determination;

(c) A statement of when and how the Petitioner received notice of the Department's decision;

(d) A statement of all disputed issues of material fact. If there are none, the Petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the Petitioner contends warrant reversal or modification of the Department's proposed action;

(f) A statement of the specific rules or statutes the Petitioner contends require reversal or modification of the Department's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) A statement of the relief sought by the Petitioner, stating precisely the action Petitioner wishes the Department to take with respect to the Department's proposed action.

If a hearing of any type is requested, you have the right to be represented by counsel or other qualified representative at your expense, to present evidence and argument, to call and cross-examine witnesses, and to compel the attendance of witnesses and the production of documents by subpoena.

If a proceeding is requested and there is no dispute of material fact, the provisions of section 120.57(2), Florida Statutes, apply. In this regard, you may submit oral or written evidence in opposition to the action taken by the Department or a written statement challenging the grounds upon which the Department has relied. While a hearing is normally not required in the absence of a dispute of fact, if you feel that a hearing is necessary, one will be conducted in Tallahassee, Florida, or by telephonic conference call upon your request.

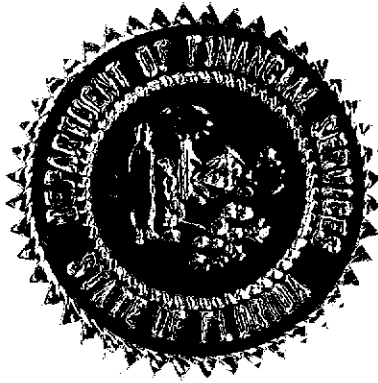
However, if you dispute material facts that are the basis for the Department's action, you must request an adversarial proceeding pursuant to sections 120.569 and 120.57(1), Florida Statutes. These proceedings are held before a State administrative law judge of the Division of Administrative Hearings. Unless the majority of witnesses are located elsewhere, the Department will request that the hearing be conducted in Tallahassee, Florida.

Failure to follow the procedure outlined with regard to your response to this notice may result in the request being denied. All prior oral communication or correspondence in this matter shall be considered freeform agency action, and no such oral communication or correspondence shall operate as a valid request for an administrative proceeding. Any request for an administrative proceeding received prior to the date of this notice shall be deemed abandoned unless timely renewed in compliance with the guidelines as set out above.

Mediation of this matter pursuant to Section 120.573, Florida Statutes, is not available. No Department attorney will discuss this matter with you until the response has been received by

the Department.

DATED and SIGNED this 15<sup>th</sup> day of February, 2010.



*Nancy A. Rowell*

NANCY ROWELL

Director

Division of Agent and Agency Services

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER and ELECTION OF PROCEEDING has been furnished to: UNITED ROOFING SYSTEMS, LLC, through Greg Haddox, at 1832 Wabasso Drive, West Palm Beach, Florida 33409, and GREG HADDOX at 1832 Wabasso Drive, West Palm Beach, Florida 33409, by Certified Mail this 15<sup>th</sup> day of February, 2010.



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Robert Alan Fox  
Senior Attorney  
Department of Financial Services  
Division of Legal Services  
612 Larson Building  
200 East Gaines Street  
Tallahassee, Florida 32399-0333  
(850) 413-4106

STATE OF FLORIDA  
DEPARTMENT OF FINANCIAL SERVICES  
DIVISION OF LEGAL SERVICES

IN THE MATTER OF:

UNITED ROOFING SYSTEMS, LLC  
and GREG HADDOX

CASE NOS.: 107642-09-AG  
107643-09-AG

ELECTION OF PROCEEDING

I have received and have read the NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER filed by the Florida Department of Financial Services ("Department") against me, including the Notice of Rights contained therein, and I understand my options. I am requesting disposition of this matter as indicated below. **(CHOOSE ONE)**

1.  I do not dispute any of the Department's factual allegations and I do not desire a hearing. I understand that by waiving my right to a hearing, the Department may enter a final order that adopts the Notice of Intent to Issue Cease and Desist Order and imposes the sanctions sought, including suspending or revoking my licenses and appointments as may be appropriate.
  
2. I do not dispute any of the Department's factual allegations and I hereby elect a proceeding to be conducted in accordance with Section 120.57(2), Florida Statutes. In this regard, I desire to **(CHOOSE ONE)**:
  - Submit a written statement and documentary evidence in lieu of a hearing; or
  - Personally attend a hearing conducted by a department hearing officer in Tallahassee; or
  - Attend that same hearing by way of a telephone conference call.
  
3.  I do dispute one or more of the Department's factual allegations. I hereby request a hearing pursuant to Section 120.57(1), Florida Statutes, to be held before the Division of Administrative Hearings. I have attached to this election form the information required by Rule 28-106.2015, Florida Administrative Code, as specified in subparagraph (c) of the Notice of Rights. Specifically, I have identified the disputed issues of material fact.

TO PRESERVE YOUR RIGHT TO A HEARING, YOU MUST FILE YOUR RESPONSE WITH THE DEPARTMENT OF FINANCIAL SERVICES WITHIN TWENTY-ONE (21) DAYS OF YOUR RECEIPT OF THE NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER. THE RESPONSE MUST BE RECEIVED BY THE DEPARTMENT NO LATER THAN 5:00 P.M. ON THE TWENTY-FIRST DAY AFTER YOUR RECEIPT OF THE NOTICE OF INTENT TO ISSUE CEASE AND DESIST ORDER.

The address for filing is: Julie Jones, DFS Agency Clerk, Florida Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Date: \_\_\_\_\_

Address: \_\_\_\_\_

Date Notice of Intent  
Received: \_\_\_\_\_

Phone No.: \_\_\_\_\_

**If you are represented by an attorney or qualified representative, please attach to this election form his or her name, address, telephone and fax numbers**

Fax No.: \_\_\_\_\_