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BRETT O'NEIL  
Office of the Commissioner of  
Securities & Insurance  
840 Helena Avenue  
Helena, MT 59601  
(406) 444-2040

Attorney for the Department of Insurance

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE  
OFFICE OF THE STATE AUDITOR  
STATE OF MONTANA**

IN THE MATTER OF	)	CASE NO. INS-2010-140
	)	
Infinity Roofing & Siding, Inc., a Texas	)	<b>CONSENT AGREEMENT AND FINAL</b>
Company registered to do business in	)	<b>ORDER</b>
Montana, and	)	
Jay Blaine, individually	)	
	)	
Respondents.	)	

This Consent Agreement and Final Order (Agreement) is entered into by the Insurance Department of the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101, *et seq.* (Code), and Infinity Roofing & Siding, Inc. (Infinity) and Jay Blaine (Blaine).

**RECITALS**

WHEREAS, the Department completed an investigation and alleged that the Respondents were not in compliance with Mont. Code Ann. § 33-17-301;

WHEREAS, Respondents cooperated with the Department and endeavored to achieve compliance with Mont. Code Ann. § 33-17-301; and

WHEREAS, the Department and the Respondents agree that the parties' best interests would be served by entering into the following specific agreement and undertakings set forth below.

NOW, THEREFORE, in consideration of the mutual undertakings established herein, the Department and the Respondents Infinity and Blaine hereby agree to settle this matter pursuant to the following terms and conditions:

**STIPULATIONS AND CONSENTS**

I. Without admitting or denying any of the CSI's allegations in the Department's Notice of Proposed Agency Action dated January 5, 2011, incorporated herein by reference, Respondents stipulate and consent to the following:

A. Within ten days from the execution of the Final Order, each Respondent shall pay a \$250.00 fine to the state of Montana. The fine should be made payable to the Montana State Auditor's Office and sent to the Office of the Commissioner of Securities and Insurance, c/o Brett O'Neil, Attorney, 840 Helena Avenue, Helena, MT 59601.

B. Within 30 days from the execution of this agreement, a representative of Respondent Infinity Roofing and Siding, Inc. will sit for the public adjuster examination.

C. Until said exam is passed and the representative is licensed with the Department, Respondents will cease acting as public adjusters. Additionally, only the aforementioned representative will act as a public adjustor upon licensing.

D. Respondents agree to comply with the terms and conditions of this Agreement, the Insurance Code and all other regulations of the state of Montana.

E. Respondents further understand that, upon the signing of the Final Order by the Commissioner or her representative, this Agreement will be an order of the

Commissioner and failure to comply with the same may constitute separate violations of the Montana Insurance Code, pursuant to Mont. Code Ann. § 33-1-318, and/or other applicable statutes or rules, and may result in subsequent legal action by the CSI.

F. Respondents understand that the Agreement is a public record under Montana law and, as such, may not be sealed or otherwise withheld from the public.

G. Respondents understand that this Consent Agreement is not effective until such time as the Final Order is signed.

H. Respondents fully and forever release and discharge the CSI, the elected Commissioner and all CSI employees from any and all actions, claims, causes of action, demands, or expenses for damages or injuries that may arise from the allegations underlying this Agreement, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the action.

I. Respondents specifically and affirmatively waive a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101, *et seq.*, and elects to resolve this matter on the terms and conditions set forth herein;

II. All parties to this Agreement agree as follows:

A. Under authority of the Insurance Code, the CSI hereby agrees that it will not initiate any civil or administrative action against Respondents regarding the allegations contained in this action.

B. The applicable statute of limitation, Mont. Code Ann. § 33-1-318 is tolled for two years from the date of execution of this Agreement with regard to the allegations set forth above. In the event Respondents violate the terms of this Agreement at any time

during the two-year tolling period, the CSI reserves the right to seek additional fines of up to \$25,000.

C. This Consent Agreement shall be incorporated and made a part of the attached Final Order issued by the Commissioner herein.

D. This Consent Agreement constitutes the entire agreement between the parties, there being no other promises or agreements, either express or implied.

DATED this 11<sup>th</sup> <sup>MARCH</sup> day of February, 2011

**INSURANCE DEPARTMENT**

By: [Signature]  
BRETT O'NEIL  
Attorney

DATED this 4 day of MARCH, 2011

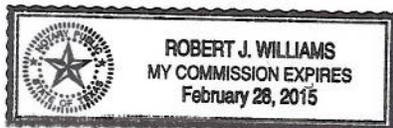
[Signature]  
Jay Blaine

STATE OF Texas )  
:ss.  
County of: Travis )

SUBSCRIBED and SWORN to before me this 4<sup>th</sup> day of March ~~February~~ 2011, by Jay Blaine.

[Signature]  
(Signature)

(SEAL)



DATED this 4<sup>th</sup> day of March, 2011

INFINITY ROOFING AND SIDING,  
INC.

By: [Signature]

Its: President

STATE OF Texas )

County of: Harris ) :ss.

SUBSCRIBED and SWORN to before me this 4 day of March 2011, by Derek Lindsey  
Vanessa Martinez

[Signature]  
(Signature)

(SEAL)



Content approved by Attorney for Respondents:

[Signature]  
STEVEN SHAPIRO

**FINAL ORDER**

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603 and § 33-1-101, *et seq.*, and upon review of the foregoing Consent Agreement and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and Respondents Infinity Roofing and Siding, Inc. and Jay Blaine is adopted as if set forth fully herein.

DATED this 11<sup>th</sup> day of March, 2011.

MONICA J. LINDEEN  
Commissioner of Securities and Insurance  
Montana State Auditor

By: Robert Moon  
ROBERT MOON  
Deputy Insurance Commissioner

cc. Brett O'Neil  
Steven Shapiro