

MIKE WINSOR
Office of the Montana State Auditor
Commissioner of Securities and Insurance
840 Helena Avenue
Helena, MT 59601
(406) 444-2040

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SEP 06 2016

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STATE AUDITORS OFFICE

Attorney for the State

Hearing Examiner

SEP 06 REC'D

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

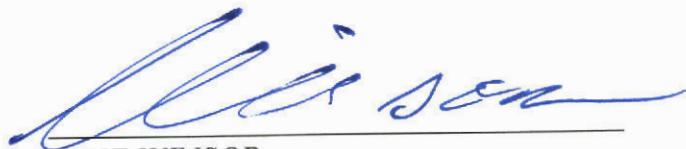
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)	
IN THE MATTER OF CHARLES)	CASE NO.: INS-2015-238
KARTCHNER and RIMROCK ROOFING,)	
Respondents.)	MOTION FOR FINAL AGENCY
)	DECISION BY DEFAULT
)	
)	

Staff of the Office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI), moves the Montana State Auditor, Commissioner of Securities and Insurance (Commissioner), to enter a final agency decision by default against Respondents Charles Kartchner and Rimrock Roofing in this matter for the reason that Respondents have been served by mail and have failed to appear or otherwise defend in this matter. The Commissioner has authority to take such action under the provisions of Mont. Code Ann. §§ 2-4-601 et seq., and 33-1-701; and Admin. R. Mont. 1.3.214 and 6.2.101. This Motion is supported by the attached Affidavit of Bryan Stanley.

It is alleged that the Respondents violated § 33-17-301(1) by acting or purporting to act as independent adjusters by indicating on the Rimrock website that Rimrock could negotiate and assist with the insurance claims process. It is also alleged that Respondents violated § 33-18-203 by representing on Rimrock's website that installation of Class 4 shingles would permanently lower insurance premiums, and that Rimrock was able to actively assist in the claims process.

The Commissioner may fine Respondents up to \$5,000 for each violation of the Montana Insurance Code (Code), § 33-1-101 et seq., § 33-1-317. Therefore, staff requests that the Commissioner order that Respondent Charles Kartchner pay a fine of \$1,500, and order that Respondent Rimrock Roofing pay a fine in the amount of \$1,500 to the CSI to be due no later than thirty (30) days from the entry of the Commissioner's final agency decision by default.

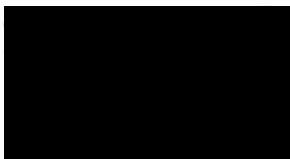
DATED this 6th of September, 2016.

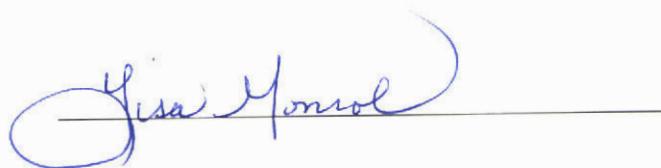


MIKE WINSOR
Attorney

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of the Motion for Final Decision by Default was sent by U.S. mail, postage paid, this 7th day of September, 2016, to the following:





MIKE WINSOR
Office of the Montana State Auditor
Commissioner of Securities and Insurance
840 Helena Avenue
Helena, MT 59601
(406) 444-2040

Attorney for the State

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

IN THE MATTER OF CHARLES)
KARTCHNER and RIMROCK ROOFING,) CASE NO.: INS-2015-238
Respondents.) **AFFIDAVIT OF BRYAN STANLEY**

STATE OF MONTANA)
County of Lewis and Clark) :ss.

Bryan Stanley, a person of lawful age, being duly sworn, deposes and states:

1. I am the investigator assigned to this matter on behalf of the Office of the Montana State Auditor, Commissioner of Securities and Insurance (CSI).

2. After full and careful investigation and review of the following facts, I have reasonable cause to believe that said facts justify the relief requested in the motion accompanying this affidavit, *to wit*:

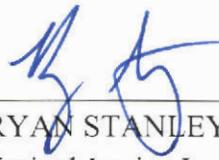
A. Charles Kartchner (Kartchner) is the proprietor of Rimrock Roofing (Rimrock) whose principal place of business is 1430 County Manor Blvd, #1, Billings, Montana, 59102.

B. Neither Respondent is licensed in any capacity by the CSI.

C. On February 17, 2016, the Respondents' website, www.rimrockroofing.com, represented:

- i. that a free upgrade to a type of shingle would “permanently lower your insurance premiums.”
- ii. that Rimrock “[o]ffers insurance claims experts to assist with any short comings on your hail damage estimate.”
- (iii) that “[a] seasoned Project Manager will walk you through the entire storm damage claim and repair process.”

DATED this 31st day of August, 2016.



BRYAN STANLEY
Criminal Justice Investigator
Office of the Montana State Auditor,
Commissioner of Securities and Insurance

SUBSCRIBED and SWORN to before me by Bryan Stanley this 31st day of August, 2016.

