

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

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IN THE MATTER OF	)	CASE NO. INS-2010-151
	)	
Infinity Roofing & Siding, Inc., a Texas Company registered to do business in Montana, and Jay Blaine, individually	)	<b>TEMPORARY CEASE AND DESIST ORDER</b>
	)	
Respondents.	)	

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The Commissioner of Securities and Insurance in her capacity as State Auditor of the state of Montana (Commissioner), pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101, *et seq.* (Code), hereby issues the following allegations of fact, conclusions of law, order and notice of right to a public hearing:

**ALLEGATIONS OF FACT**

1. Respondent Infinity Roofing & Siding, Inc. (Infinity) offers comprehensive roof repair and replacement services. Infinity is located at 18119 Langsbury Drive, Houston, TX, 77084 (national headquarters) and 1518 W. Beall, Bozeman, MT 59715 (Montana office). Respondent Jay Blaine was an agent of Infinity at all times material hereto.
  
2. As part of its roof repair services, Infinity's website states that it assists insureds in submitting insurance claims:

Our estimators, many of them former insurance adjusters, are experienced in property insurance claims and can help you with the claims process, including representing you in the event of a disputed claim.

See Exhibit A. This website also offers free roof inspections and describes how Infinity works on the side of the insured because “the adjusters are representing the insurance companies.”

3. Contracts issued by Infinity allow Infinity to serve as a claimant’s agent in assisting, documenting and processing insurance claims.
4. In exchange for its services, the insureds assign Infinity any and all proceeds of their insurance benefits to secure payment of its services provided under the contract.
5. If the insured cancels the contract subsequent to the insurance approval, the insured must pay Infinity 15% of the proceeds received from the insurance company for its services in initiating the claim.
6. On or around October, November, and December 2010, the CSI spoke with adjusters, representatives at insurance companies, and insureds who identified business practices used by Infinity, including:
  - A. Representing to insureds Infinity was a preferred contractor with Traveler’s Insurance (Traveler’s).
  - B. Respondent Blaine told an insured that Traveler’s contacted him directly to handle the insured’s claim.
  - C. Respondent Blaine told an insured, identified herein as J.D., that Blaine completed a lot of Traveler’s work and that Infinity used pre-set, standard rates so no bid was necessary. Respondent Blaine also told J.D. that Traveler’s would pay 100% of J.D.’s claim and the claim amount was already pre-charged to Traveler’s.

7. Traveler's adjuster David Abbott spoke with Respondent Blaine while seeking a second opinion on roof repair versus roof replacement for a commercial building in Bozeman, Montana. Adjuster Abbott indicated to the CSI Infinity was not a preferred contractor with Traveler's and certainly had not handled a lot of work for Traveler's in Montana.

8. Infinity is not licensed by the state of Montana to transact insurance business in any capacity. Respondent Blaine is not licensed to perform adjusting services nor is he licensed as an insurance consultant in the state of Montana.

### CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over this matter pursuant to Mont. Code Ann. § 33-1-101, *et seq.*

2. Montana Code Annotated § 33-17-102(9) defines "Individual" as a natural person.

3. Respondent Blaine is an "Individual" as defined by Mont. Code Ann. § 33-17-102(9).

4. Montana Code Annotated § 33-1-202(3) defines "Person" as an individual, insurer, company, association, organization, partnership, business trust, corporation, or any other legal entity.

Montana Code Annotated § 33-17-102(19) defines "Person" as an individual or business entity.

5. Respondents Infinity and Blaine are "Person[s]" as defined by Mont. Code Ann. §§ 33-1-202(3) and 33-17-102(19).

6. Montana Code Annotated. § 33-17-102(20) defines "Public adjuster" as an adjuster employed by and representing the interest of the insured.

7. Respondent Blaine is a "Public adjuster" as defined by Mont. Code Ann. § 33-17-102(20) because he represents the interest of the insured during the claims process and requires an assignment of insurance proceeds for these services, including proceeds if Infinity does no work on the roof.

8. Pursuant to Mont. Code Ann. § 33-17-301, an individual may not act as or purport to be an adjuster unless licensed by the Commissioner.

9. Respondent Blaine violated Mont. Code Ann. § 33-17-301 by acting as an unlicensed public adjuster as Infinity's agent.

10. Montana Code Annotated § 33-17-102(6) defines "Consultant" as an individual who makes recommendations or gives advice regarding an insurance policy, for a fee.

11. Respondents Blaine is a "Consultant" as defined by Mont. Code Ann. § 33-17-102(9) because he recommends insureds file insurance claims and collects insurance proceeds for these recommendations.

12. Pursuant to Mont. Code Ann. § 33-17-502(2), a person may not evaluate any insurance policy or give advice with regard to any insurance policy and receive a fee for these services, without having a consultant license.

13. Respondents Infinity and Blaine violated Mont. Code Ann. § 33-17-502(2) by evaluating insurance policies and giving insurance advice to insureds without a consultant's license.

14. Respondents Infinity and Blaine violated Mont. Code Ann. § 33-17-502(6) by collecting a payment for their work with insurance companies by receiving compensation when an insured severs the contract after an agreement has been reached with insurance companies.\

### **ORDER**

Pursuant to Mont. Code Ann. § 33-1-318, it appears to the Commissioner that the above-named Respondents committed acts constituting violations of the Code, including acts constituting acting as unlicensed adjusters and consultants as well as insurance fraud. Therefore, the Commissioner hereby orders Respondents to cease and desist any actions or activity wherein Respondents act in violation of the Montana Insurance Code.

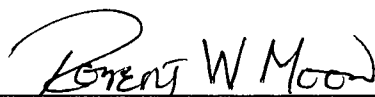
**NOTICE**

Respondents are notified that the Commissioner has issued this order temporarily ordering them to cease and desist violating the Code. If Respondents wish to contest the allegations herein, they shall make a written request for a hearing to Brett O'Neil of this office within 15 days of receipt of this order. The hearing shall then be held within 30 days of the Commissioner's receipt of the hearing request unless otherwise agreed by the parties. **If no hearing is requested within 15 days of receipt of this order by Respondents, and the Commissioner orders none, this Cease and Desist Order shall become permanent.**

Should Respondents request a hearing, they have the right to be accompanied, represented and advised by counsel. If the Respondents' counsel has not been admitted to the practice of law in the State of Montana, he or she must comply with the requirements of *Application of American Smelting and Refining Co.*, 164 Mont. 139, 520 P.2d 103 (1973), and *Montana Supreme Court Comm'n on the Unauthorized Practice of Law v. O'Neil*, 2006 MT 284, 334 Mont. 311, 147 P.3d 200.

DATED this 5<sup>th</sup> day of January, 2011.

MONICA J. LINDEEN  
Commissioner of Securities and Insurance

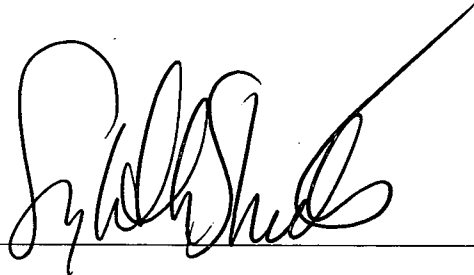
  
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BY: Robert W. Moon  
Deputy Insurance Commissioner

CERTIFICATE OF SERVICE

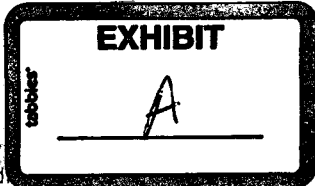
I hereby certify that a true and accurate copy of the foregoing was served on the 6<sup>th</sup> day of January, 2011, by US mail, certified, first-class postage paid, to the following:

Infinity Roofing and Siding, Inc.  
1518 W. Beall  
Bozeman, MT 59715

Jay Blaine  
1518 W. Beall  
Bozeman, MT 59715



A handwritten signature in black ink, appearing to read "Jay Blaine", is written over a horizontal line. The signature is stylized and cursive.



Immediate  
Call: 1-888-855-2331

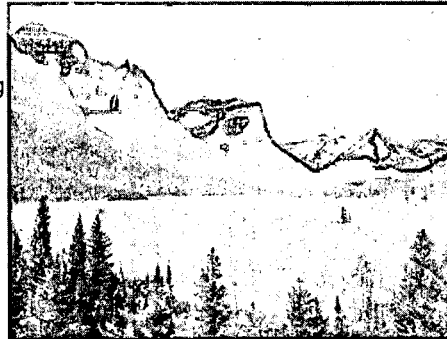


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## Montana Roofing Contractors

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Infinity Roofing is a national roofing contractor with multiple locations nationwide. Our locations are locally owned and operated, but have access to additional manpower and equipment to provide quick service even when storm damage is widespread.



We offer a complete range of commercial and residential contractor services, specializing in roof repair, roof replacement, storm and hail damage repair, and new roof installation.

Our estimators, many of them former insurance adjusters, are experienced in property insurance claims and can help you with the claims process, including representing you in the event of a disputed claim.

**Bozeman, Montana**  
1518 W. Beall  
Bozeman, MT 59715  
406-586-4200

If your Montana home or business is in need of repair, we want to prove ourselves to you. To learn more, request services, receive a **FREE roof inspection**, just fill out the contact form below and one of our representatives will call you back as soon as possible!

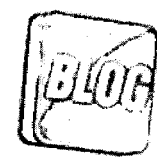
\*Name \_\_\_\_\_  
 \*Address \_\_\_\_\_  
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 \*Contact Phone \_\_\_\_\_  
 \*Email \_\_\_\_\_  
 Is your roof leaking?  Select  
 How'd you find us?  Select  
 How can we help?

pbj? Enter characters as shown

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  - Weather Updates and more...

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- GAF/ELK Certified Contractor
- CertainTeed Professional Roofer Advisory Council
- Owens Corning Preferred Contractor
- A Denver/Boulder BBB Gold Star Award Winner 2004-2008

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