

**BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF OKLAHOMA**

FILED
MAY 09 2017
INSURANCE COMMISSIONER
OKLAHOMA

**STATE OF OKLAHOMA, ex rel. JOHN
DOAK, Insurance Commissioner,**

Petitioner,

v.

**JEFFREY J. SCHIERENBECK,
a resident public adjuster,**

Respondent.

Case No. 17-0133-DIS

**CONDITIONAL ADMINISTRATIVE ORDER
AND NOTICE OF RIGHT TO BE HEARD**

COMES NOW the State of Oklahoma, ex rel. John Doak, Insurance Commissioner, by and through his attorney, Sara A. Worten, and alleges and states as follows:

JURISDICTION AND AUTHORITY

1. John Doak is the Insurance Commissioner of the State of Oklahoma and is charged with the duty of administering and enforcing all provisions of the Oklahoma Insurance Code, *36 O.S. §§ 101 et seq.*
2. Respondent is a licensed public adjuster with Oklahoma license number 106413. Respondent's address of record is [REDACTED]
3. The Insurance Commissioner may place on probation, censure, suspend, revoke or refuse to issue or renew an initial license issued pursuant to the Oklahoma Insurance Adjusters Licensing Act and/or may levy a fine up to \$1,000.00 for each occurrence of a violation of the Oklahoma Insurance Code, *36 O.S. § 6220(A) and (B).*

ALLEGATIONS OF FACT

1. On or about May 6, 2015, Ryan McNeil's properties were damaged by a hail storm. The properties are located at [REDACTED] and [REDACTED], [REDACTED] (herein after referred to as the "Properties").
2. Mr. McNeil had the Properties insured by Travelers Insurance.
3. After the May 6, 2015 storm, Respondent was working on a home close to the Properties and introduced himself to Mr. McNeil as a public adjuster for Oklahoma Public Adjuster offering his services. Oklahoma Public Adjusters has its principal place of business in Oklahoma County, Oklahoma. On August 29, 2015, Mr. McNeil signed a Consent Form giving Oklahoma Public Adjusters permission to administer and negotiate the claims of the Properties. Respondent signed on behalf of Oklahoma Public Adjusters.
4. Respondent later informed Mr. McNeil that he was also a general contractor. Respondent has an ownership interest in a construction company called Sol-Tec Alternative Energy Solutions, L.L.C. ("Sol-Tec") with its principal place of business in Oklahoma County, Oklahoma.
5. Mr. McNeil engaged Sol-Tec to perform the repairs on the Properties caused from the May 5, 2015 storm – the same Properties in which Respondent was the public adjuster.
6. Respondent did not provide a written disclosure of the potential conflict of interest to Mr. McNeil.
7. Respondent did not provide a written disclosure of the potential conflict of interest to Travelers Insurance.

8. 36 O.S. § 6220.1.(A) states that no adjuster may, directly or indirectly, own or have a pecuniary interest in any business entity which provides construction or reconstruction related services on behalf of an insurance claimant or insured for which the adjuster is providing services, nor may the adjuster, directly or indirectly, own or have a pecuniary interest in any other business entity which furnished any supplies, material, services, or equipment purchased by or on behalf of the claimant or insured in settlement of the claim.

9. 36 O.S. § 6220.1(C) states that 36 O.S. § 6220.1 does not apply to an adjuster providing services on a claim which is located in the county in which the adjuster maintains their principal place of business; provided, however, the adjuster shall give written disclosure of the potential conflict of interest to both the insured and insurer prior to the performance of any adjuster services.

ALLEGED VIOLATIONS OF LAW

1. Respondent violated 36 O.S. § 6220.1 (effective November 1, 1995) in that he was engaged as the public adjuster by Mr. McNeil for the Properties and his company, Sol-Tec, was also engaged to perform the repairs to the Properties which were subject to the damages he assisted in adjusting, and failed to provide the required disclosure to Mr. McNeil and to Travelers Insurance.

ORDER

IT IS THEREFORE ORDERED by the Insurance Commissioner that Jeff Schierenbeck is **CENSURED** pursuant to 36 O.S. § 6220(A)(8).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Insurance Commissioner that this Order is a Conditional Order. Unless the Respondent

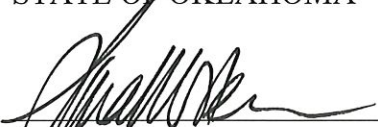
requests a hearing with respect to the Allegations of Fact set forth above within thirty (30) days of the date of mailing of this Order, this Order and the penalties set forth above shall become a Final Order on the thirty-first day following the date of mailing this Order. A request for hearing should be in writing addressed to Sara A. Worten, Oklahoma Insurance Department, Legal Division, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112. The request for hearing must state the grounds for the request to set aside or modify the Order.

Any such hearing shall be conducted according to the procedures for contested cases under the Insurance Code and 75 O.S. § 250-323. If the Respondent serves a timely request for hearing on the Oklahoma Insurance Department, this Conditional Order shall act as notice of the matters to be reviewed at the hearing, and the Allegations of Fact, Alleged Violations of Law, and penalties imposed in this Conditional Order shall be considered withdrawn, pending final resolution at the hearing.

WITNESS My Hand and Official Seal this 9th day of May, 2017.




JOHN DOAK
INSURANCE COMMISSIONER
STATE OF OKLAHOMA


Sara A. Worten
Assistant General Counsel
3625 NW 56th St., Suite 100
Oklahoma City, OK 73112

CERTIFICATE OF MAILING


I, Sara A. Worten, hereby certify that a true and correct copy of the above and foregoing Conditional Administrative Order and Notice of Right to be Heard was mailed by certified mail, with postage prepaid and return receipt requested, on this ____ day of May, 2017, to:

Jeff Schierenbeck


CERTIFIED MAIL NO. 7016 2140 0000 3510 5788

and a copy was delivered to:

Robert Lee
Anti-Fraud Unit



Sara A. Worten
Assistant General Counsel