

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

Docket No.: INS No. 20-067-EP

CONSENT ORDER

This Consent Order is made between the New Hampshire Insurance Department (“NHID”) and Christopher McShane (“Respondent”), the terms of which are as follows:

FINDINGS OF FACTS

1. The Respondent was a licensed non-resident New Hampshire public adjuster from April 24, 2019 to approximately October 1, 2020, with a license number of 19109338.
2. Respondent is the single Member of Property Damage Solutions of the North East, LLC, a Florida limited liability Company (hereinafter “PDS-NE”).
3. Respondent resides in Florida. He adjusts insurance claims in Florida through an entity separate from PDS-NE.
4. In 2019, Respondent became a licensed non-resident public adjuster in New Hampshire.
5. Respondent visited New Hampshire on three occasions in his role as a public adjuster: October 23-24, 2019; January 13, 2019, and February 11, 2020.
6. Respondent contracted with James Caldwell (“Caldwell”), a non-licensed person, to serve as a “field manager” for PDS-NE in New Hampshire. Respondent was familiar with Caldwell from his time working in the insurance repair industry as an estimator.
7. Caldwell, a New Hampshire resident, worked as an independent contractor for PDS-NE from approximately October 2019 to February 2020.
8. As field manager, Caldwell was engaged for the purpose of obtaining facts surrounding losses in New Hampshire and furnishing technical assistance to Respondent.

9. Between October 2019 and January 2020, Caldwell negotiated and signed five public adjuster contracts with members of the New Hampshire public.

10. The first page of each contract listed Respondent as the public adjuster, but Mr. Caldwell executed the signature page and in four of those instances listed himself as the public adjuster on the signature page.

11. Respondent did not authorize Caldwell to act as a public adjuster or hold himself out as a public adjuster for PDS-NE.

12. Upon learning of Caldwell's signature on the contracts, Respondent's assistant, as authorized by Respondent, re-executed four of the contracts with Respondent's electronic signature.

13. In early 2020, Respondent voluntarily terminated PDS-NE's relationship with Caldwell and discontinued plans to perform public adjusting services in New Hampshire.

14. Respondent released the insureds from their contracts with PDS-NE and did not accept any funds from any insureds related to the public adjusting services performed in New Hampshire.

15. In approximately May 2020, the NHID began its investigation. The NHID requested the complete file relating to the each claim Respondent worked on in New Hampshire. In response, Respondent provided documentation of those claims, including the re-executed contracts, but did not include the contracts executed by Caldwell, and did not inform the NHID that the documents he was providing did not constitute the complete file relating to each claim.

16. Respondent did not provide the contracts executed by Caldwell because they were not in his possession. Respondent provided copies of the contracts signed by Caldwell to NHID after receiving them from Caldwell in July 2020.

CONCLUSIONS OF LAW

17. Based on the foregoing Findings of Fact and the applicable provision of law, the NHID concludes and finds the following Conclusions of Law:

- a. The Respondent is subject to the jurisdiction of the NHID; and
- b. Respondent's actions were inconsistent with N.H. RSA 402-D.

ORDER

WHEREFORE, the NHID orders and Respondent consents to the following:


- a. The Respondent waives all rights to a formal administrative hearing in this matter and agrees that this Consent Order shall have the full force and effect of an Order fully entered in accordance with the adjudicatory procedure provided for in RSA Chapter 541-A and Ins Part 200.
- b. For the purposes of resolving this matter without a formal administrative hearing, and without admitting fault or any violation of New Hampshire insurance laws, rules, and/or regulations, the Respondent agrees to a \$2,500 administrative penalty, due upon execution of this Consent Order, to be made payable to "Treasurer, State of New Hampshire," and mailed to the attention of Sarah Prescott, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord, New Hampshire 03301.
- c. The Respondent is ordered to fully comply with all applicable insurance laws and rules of the State of New Hampshire and the insurance laws, rules, and/or regulations of any other State in which he is licensed.
- d. Respondent's New Hampshire public adjuster license is neither suspended nor revoked.

- e. In the event that the Respondent fails to meet any of the terms set forth in this section, the NHID may institute further administrative proceedings under the authority of RSA 400-A:15, III or any other applicable law.
- f. By entering into this Consent Order, the NHID and the Respondent intend to fully resolve all issues relating to the above-mentioned matters. This Consent Order shall be deemed a complete settlement and full and final resolution and is in lieu of any other action(s) that has and could have been brought by the NHID relating to these matters. Provided however, notwithstanding the foregoing, the NHID may take any and all appropriate actions should the Respondent violate any provision of the State's insurance laws in the future.
- g. This Consent Order shall be fully enforceable in any Superior Court in the State of New Hampshire, and any actions to enforce this Consent Order shall be governed by the laws of the State of New Hampshire.
- h. This Consent Order is considered a public regulatory action and will be reported to the National Association of Insurance Commissioners. The Respondent must, in the future, answer "YES" to any question which asks "have you ever been named or involved as party in an administrative proceeding" or any substantially similar question.

IT IS SO ORDERED.

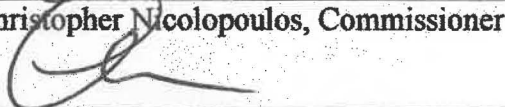
NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 1/21/21



Christopher Nicolopoulos, Commissioner

Date: 1/11/21



Christopher McShane