

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

Proceeding by the Commissioner of Banking)
and Insurance, State of New Jersey, to fine) CONSENT
Dallmer Adjusters Inc., Reference No: 9569426) ORDER
and Thomas C. Dallmer, Reference No: 1284885)

To: Dallmer Adjusters Inc.
1023 Bristol Pike
Bensalem, PA 19020

Thomas C. Dallmer
1023 Bristol Pike
Bensalem, PA 19020

This matter, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Dallmer Adjusters Inc. (“Dallmer Adjusters”), a nonresident public adjuster, and Thomas C. Dallmer (“Dallmer”), a resident public adjuster (collectively “Respondents”), currently licensed as public adjusters pursuant to N.J.S.A. 17:22B-5, may have violated the public adjusters’ laws of the State of New Jersey; and

WHEREAS, Respondents are subject to the provisions of the Public Adjusters’ Licensing Act of 1994, N.J.S.A. 17:22B-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 17:22B-14a (1) and N.J.A.C. 11:1-37.14(a) 1, the Commissioner may suspend or revoke the license of a public adjuster or impose a fine if the licensee has violated any insurance law of this State or has committed any other act or omission which the Commissioner determines to be inappropriate conduct by a licensee of this State; and

WHEREAS, pursuant to N.J.S.A. 17:22B-14a (2) and N.J.A.C. 11:1-37.14(a) 6, the Commissioner may suspend or revoke the license of a public adjuster or impose a fine if the licensee has withheld material information or made a material misstatement in the application for the license; and

WHEREAS, pursuant to N.J.S.A. 17:22B-14a (4) and (5) and N.J.A.C. 11:1-37.14(a) 4, 5, and 17, the Commissioner may suspend or revoke the license of a public adjuster or impose a fine if the licensee has demonstrated a lack of integrity, incompetency, bad faith, dishonesty, or untrustworthiness, has aided abetted, or assisted another person in violating any insurance law of this State, or has committed any other act which the Commissioner determines to be inappropriate conduct by a licensee of this State; and

WHEREAS, pursuant to N.J.S.A. 17:22B-13c and N.J.A.C. 11:1-37.13(a) and (b)3 ii and iii, no individual, firm, association or corporation, shall have any right to compensation from any insured for services rendered to an insured as a public adjuster unless the right to compensation is based upon a written memorandum, that specifies or clearly defines the services to be rendered and contains the time the contract was executed; and

WHEREAS, pursuant to N.J.A.C. 11:1-37.13(b)5, the written memorandum between a licensed public adjuster and an insured shall prominently include a section which specifies the procedures to be followed by the insured if he or she seeks to cancel the contract, including any requirement for a written notice; the rights and obligations of the parties if the contract is cancelled at any time; and the costs to the insured or the

formula for the calculation of costs to the insured for services rendered in whole or in part; and

IT APPEARING, that in August of 2010, Dallmer was first licensed as a resident public adjuster and that he withheld material information or made a material misstatement in the application for his license when he failed to disclose that he had been named or involved as a party in an administrative proceeding regarding a professional or occupational license, in violation of N.J.S.A. 17:22B-14a (1) and (2) and N.J.A.C. 11:1-37.14(a) 1 and 6; and

IT FURTHER APPEARING, that in January of 2013, Respondents utilized an unlicensed individual to negotiate, sell, or solicit a public adjuster's contract and/or services with New Jersey insured RC, in violation of N.J.S.A. 17:22B-14a (1), (4), and (5) and N.J.A.C. 11:1-37.14(a) 1, 4, 5, and 17; and

IT FURTHER APPEARING, that in January of 2013, Respondents entered into a public adjuster's service contract with RC, which was based upon a written memorandum that did not clearly define the services to be rendered or contain a list of services to be rendered, the time the contract was executed, or a section which prominently included the procedures to be followed by the insured if he or she sought to cancel the contract, including any requirement for a written notice; the rights and obligations of the parties if the contract was cancelled at any time; and the costs to the insured or the formula for the calculation of costs to the insured for services rendered in whole or in part, in violation of N.J.S.A. 17:22B-14a (1), N.J.A.C. 11:1-37.13(a), (b)3 ii and iii, and (b)5 and N.J.A.C. 11:1-37.14(a) 1 and 17; and

IT FURTHER APPEARING, that cause does exist under N.J.S.A. 17:22B-17 to impose a fine; and

IT FURTHER APPEARING, that Respondents have waived their right to a hearing on the aforementioned violations and have consented to the payment of a fine in the amount of \$2,500.00; and

IT FURTHER APPEARING, that Respondents have agreed to revise the written memorandum used as a basis for compensation for public adjuster services offered to New Jersey residents to comply with all aspects of New Jersey insurance laws and regulations; and

IT FURTHER APPEARING, that this matter should be resolved upon the consent of the parties without resort to a formal hearing; and

NOW, THEREFORE, it is on this 25TH day of NOVEMBER, 2014

ORDERED AND AGREED, that Respondents pay a fine in the amount of \$2,500.00 to the Department; and

IT IS FURTHER ORDERED AND AGREED that the signed Consent Order together with the fine payment of \$2,500.00 shall be remitted to:


New Jersey Department of Banking and Insurance
ATTN: Virgil Downtin, Chief of Investigations
9th Floor – Enforcement Unit
P.O. Box 329
Trenton, New Jersey 08625

IT IS FURTHER ORDERED AND AGREED, that Respondents shall revise the written memorandum used as a basis for compensation for public adjuster services offered to New Jersey residents to comply with all aspects of New Jersey insurance laws and regulations; and

IT IS FURTHER ORDERED AND AGREED, that in the event full payment of the fine is not made, the Commissioner may exercise any and all remedies available by law, including but not limited to recovery of any unpaid penalties in summary proceedings, in accordance with the penalty enforcement law, N.J.S.A. 2A:58-10 et seq.; and

IT IS FURTHER ORDERED AND AGREED, that the provisions of this Consent Order represent a final agency decision and constitute a final resolution of the violations contained herein; and

IT IS FURTHER ORDERED AND AGREED, that Respondents shall cease and desist from engaging in the conduct that gave rise to this Consent Order and hereafter, shall comply in all respects with the New Jersey insurance laws and regulations.


Peter L. Hart
Acting Director of Insurance

Consented to as to
Form, Content and Entry


Dallmer Adjusters Inc.

By: DALLMER ADJUSTER

Name: CHRISTINE DALLMER

Title : OWNER

Date: 11-12-14


Thomas C. Dallmer

Date: 11-12-14