

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

CONSENT ORDER NO. E14-83

IN THE MATTER OF:

Proceedings by the)
Commissioner of Banking and)
Insurance, State of New)
Jersey, to fine, suspend,) **CONSENT**
and/or revoke the public) **ORDER**
adjuster license of Steven)
McEvoy, Reference No.)
1271887, and to fine Quick)
Claims Assistance, Inc.)

TO: Steven McEvoy
29 Robin Road
Moorestown, NJ 08057

Quick Claims Assistance, Inc.
c/o Steven McEvoy
29 Robin Road
Moorestown, NJ 08057

This matter, having been opened by the Commissioner of Banking and Insurance ("Commissioner"), State of New Jersey, upon information that Steven McEvoy, formerly licensed as a public adjuster until his license expired on January 31, 2014, pursuant to N.J.S.A. 17:22B-5, and Quick Claims Assistance, Inc. ("Quick Claims"), a New Jersey corporation (collectively "Respondents"), may have violated various provisions of the insurance laws of the State of New Jersey; and

WHEREAS, Respondents are subject to the New Jersey Public Adjusters' Licensing Act, N.J.S.A. 17:22B-1, et seq. ("Public Adjusters' Act") and the regulations governing the licensing of public adjusters, N.J.A.C. 11:1-37.1, et seq.; and

WHEREAS, pursuant to N.J.S.A. 17:22B-3a, no individual, firm, association, or corporation shall act as an adjuster in this State unless authorized to do so by virtue of a license issued or renewed pursuant to the Public Adjusters' Act; and

WHEREAS, pursuant to N.J.S.A. 17:22B-3b, no adjuster shall act on behalf of an insured unless licensed as a public adjuster; and

WHEREAS, pursuant to N.J.S.A. 17:22B-14a(1) and N.J.A.C. 11:1-37.14(a)1 and 2, the Commissioner may suspend or revoke the license of an adjuster if the licensee has violated any provision of the insurance laws, including any rules promulgated by the Commissioner, or has violated any law in the course of dealing as an adjuster; and

WHEREAS, pursuant to N.J.S.A. 17:22B-14a(5), the Commissioner may suspend or revoke the license of an adjuster if the licensee has aided, abetted, or assisted another person in violating any insurance law of this State; and

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

WHEREAS, pursuant to N.J.S.A. 17:22B-17, any person violating any provision of the Public Adjusters' Act shall, in addition to any other sanctions provided by law, be liable for a civil penalty of not more than \$2,500 for the first offense and not more than \$5,000 for the second and each subsequent offense; and

WHEREAS, at all times relevant hereto, McEvoy was licensed as a New Jersey public adjuster; and

WHEREAS, at all times relevant hereto, McEvoy worked as an Affordable Restoration ("AR") estimator; and

WHEREAS, at all times relevant hereto, McEvoy was the president of Quick Claims; and

WHEREAS, Quick Claims has never been licensed as a New Jersey public adjuster; and

WHEREAS, on or about November 3, 2011, E.B. and S.B., husband and wife, signed a "Standard Public Adjust Agreement" ("Quick Claims Agreement") with Quick Claims; and

WHEREAS, the Quick Claims Agreement stated that Quick Claims would "proceed with the investigating, photography, mapping, measuring, coordination of other contractor estimates, and preparation of other contractor estimates, and preparation of... restoration agreements"; and

WHEREAS, the Quick Claims Agreement appointed Quick Claims as "attorney in fact only to speak to [the] insurance company about claim settlement"; and

WHEREAS, Respondents also presented E.B. and S.B. with a Quick Claims' Letter of Engagement; and

WHEREAS, Quick Claims' Letter of Engagement stated that E.B. and S.B. retained Quick Claims "to advise and assist in the adjustment of this insurance claim arising from a loss due to [blank] which occurred" at E.B. and S.B.'s home; and

WHEREAS, on or about December 8, 2010, Ted Cubler, an Affordable Restoration ("AR") estimator, performed an estimate of the damages to E.B. and S.B.'s home; and

WHEREAS, this estimate was only for the purposes of providing E.B. and S.B. an approximation of the cost of repairs; and

WHEREAS, Cubler is not licensed as a public adjuster in the State of New Jersey; and

WHEREAS, McEvoy did not perform his own estimate of E.B. and S.B.'s home; and

WHEREAS, Respondents modified Cubler's estimate to include Quick Claims letterhead; and

WHEREAS, on or about January 31, 2011, Quick Claims forwarded Cubler's modified estimate and the Quick Claims' Letter of Engagement to Farmers Mutual Fire Insurance Company of Salem; and

WHEREAS, in entering into a "Standard Public Adjust Agreement" to negotiate E.B. and S.B.'s insurance claim on their behalf, Quick Claims acted as a public adjuster, despite not being licensed pursuant to the Public Adjusters' Act, in violation of N.J.S.A. 17:22B-3a and 3b; and

WHEREAS, McEvoy, as president of Quick Claims, entered into an agreement on behalf of Quick Claims to provide public adjusting services for E.B. and S.B., thereby aiding, abetting, and assisting Quick Claims in acting as an unlicensed public adjuster, in violation of N.J.S.A. 17:22B-14(1) and (5); and

WHEREAS, by submitting to Farmers the revised December 16, 2010 AR estimate on Quick Claims' letterhead, McEvoy passed off the work of unlicensed individuals as his own, aiding, abetting, and assisting AR in acting as unlicensed adjusters, in violation of N.J.S.A. 17:22B-14a(1) and (5); and

WHEREAS, Respondents admit all of the allegations contained herein; and

WHEREAS, Respondents acknowledges that this matter should be resolved upon the consent of the parties without the filing of an Order to Show Cause, without resorting to a formal hearing on the aforementioned allegations set forth herein, and for good cause appearing; and

NOW, THEREFORE, IT IS on this 1st day of August 2014

ORDERED AND AGREED that Respondents admit to the violations of New Jersey insurance laws as described above; and

IT IS FURTHER ORDERED AND AGREED that any future violations of the New Jersey insurance laws by either Steven McEvoy or Quick Claims shall be considered a subsequent violation; and

IT IS FURTHER ORDERED AND AGREED that Steven McEvoy consents to the revocation of his New Jersey public adjuster's license, Reference No. 1271887; and

IT IS FURTHER ORDERED AND AGREED that, pursuant to N.J.S.A. 17:22B-17, Respondents shall pay \$5,500.00 in civil penalties to the Commissioner for the aforementioned violations; and

IT IS FURTHER ORDERED AND AGREED that Respondents shall make payment in the amount of \$5,500.00 to the Commissioner due **immediately** upon execution of this Consent Order by Respondents. Payment shall be made by certified check, bank check, or money order payable to the "State of New Jersey, General Treasury," and shall be sent to:

Gordon A. Queenan, Deputy Attorney General
Banking and Insurance Section
R.J. Hughes Justice Complex
25 Market Street
P.O. Box 117
Trenton, New Jersey 08625-0117

IT IS FURTHER ORDERED AND AGREED that if Respondents fail to make the scheduled payment within ten (10) days of its due date, the Department can, upon notice to Respondents, take any action available under the laws of this State to collect the amount outstanding at that time, including post-judgment interest from the date of the judgment, attorneys' fees, and any other remedies available under the law; and

IT IS FURTHER ORDERED AND AGREED that the fines are imposed pursuant to the police powers of the State of New Jersey for the enforcement of the law and the protection of the public health,

safety, and welfare, and are not intended to constitute debts which may be limited or discharged in a bankruptcy proceeding; and

IT IS FURTHER ORDERED AND AGREED, that in the event full payment of fines are not made, the Commissioner may exercise any and all remedies available by law, including, but not limited to, recovery of any unpaid penalties pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-10 et seq.; and

IT IS FURTHER ORDERED AND AGREED that this final administrative order may be docketed with the Clerk of the Superior Court, as provided by 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 allegations contained herein against Steven McEvoy and Quick Claims.

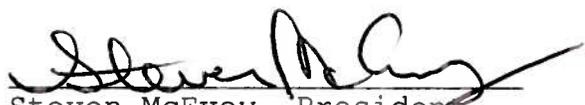


Peter L. Hartt
Acting Director of Insurance

Consented to as to Form, Content, and Entry:

By: 
Steven McEvoy

DATED: 7/17/14


Steven McEvoy, President
Quick Claims Assistance, Inc.

DATED: 7/17/14

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: Gordon A. Queenan
Gordon A. Queenan
Deputy Attorney General
Attorney for the Commissioner of the
New Jersey Department of Banking and Insurance

DATED: 7/23/14