

STATE OF ARIZONA
FILED

JUN 27 2012

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE
BY CS

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2
3 In the Matter of:)

4 **SIMMONS, TODD,**)
5 **(NPN 16330773)**)

No. 12A-063-INS

ORDER TO CEASE
AND DESIST

6 Respondent.)
7

8 The Arizona Department of Insurance ("Department") has received evidence that
9 **Todd Simmons** has unlawfully acted as an adjuster in the State of Arizona. Accordingly,
10 the Director of Insurance of the State of Arizona (the "Director") makes the following
11 Findings of Fact and Conclusions of Law and enters the following Order pursuant to A.R.S.
12 § 20-292.

13 **FINDINGS OF FACT**

14 1. Todd Simmons ("Respondent" or "Simmons") is not licensed with the
15 Department as an adjuster.

16 2. The National Association of Insurance Commissioners' database reports
17 Simmons' resident license in Colorado as inactive and a non-resident license in Georgia as
18 active.

19 3. Simmons' addresses of record are: 4643 S. Ulster Street, Suite 800, Denver,
20 Colorado 80237 (business and mailing); and 11298 Grove St., Unit C, Westminster,
21 Colorado 80031 (residence).

22 4. On or about April 23, 2012, Allstate Insurance Company ("Allstate") filed a
23 Complaint with the Department stating that Simmons was acting as an unlicensed adjuster
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1 in Arizona¹. Allstate provided evidence that Simmons was adjusting, investigating or
2 negotiating settlement for three Allstate claims (for insureds Brown, Byrnes and Hullaby).

3 **CONCLUSIONS OF LAW**

4 1. The Director has jurisdiction over this matter.

5 2. An adjuster means any person who for compensation, fee or commission
6 either adjusts, investigates or negotiates settlement of claims arising under insurance
7 contracts on behalf of an insured or holds oneself out to perform those services, within the
8 meaning of A.R.S. § 20-321(1).

9 3. Respondent is not exempt from the licensing requirement as an independent
10 contractor retained by a licensed adjuster for the sole purpose of providing technical
11 assistance in connection with a claim such as an estimator, within the meaning of A.R.S. §
12 20-321(1)(b)(v).

13 4. Respondent's conduct, as alleged above, constitutes acting as or claiming to
14 be an adjuster without being licensed as an adjuster, in violation of A.R.S. § 20-321.01(A).

15 5. Grounds exist to issue a cease and desist order to Respondent for acting as
16 or claiming to be an adjuster without being licensed, within the meaning of A.R.S. §20-292
17 as applied to adjusters under A.R.S. § 20-321.02.

18 **ORDER**

19 **IT IS THEREFORE ORDERED:**

20 1. Respondent shall immediately cease and desist from unlawfully acting as or
21 claiming to be an adjuster.

22 2. This Order shall become effective immediately and shall remain in full force
23 and effect until otherwise stayed, modified, vacated or set aside.
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25 ¹ Simmons works on behalf of Guardian Public Adjusters, Inc., Arizona license number
26 1007862.

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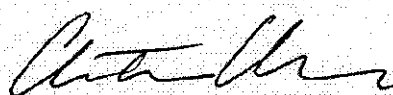
NOTICE OF OPPORTUNITY FOR HEARING

Pursuant to Title 20 of the Arizona Revised Statutes, Respondents are hereby notified that they may request a hearing pursuant to A.R.S. § 20-161 to contest the order to cease and desist. Such a request must be in writing and received at the following address within thirty (30) days from the date hereof:

Arizona Department of Insurance
2910 North 44th Street, Suite 210
Phoenix, Arizona 85012
ATTN: Director's Office

Upon receipt of a timely written request for hearing, the Director will issue an order setting the time and place of the hearing.

DATED AND EFFECTIVE this 27th day of June, 2012.



CHRISTINA URIAS, Director
Arizona Department of Insurance

COPY of the foregoing mailed, return receipt requested, this 27th day of June, 2012 to:

Todd Simmons
c/o Guardian Public Adjusters, Inc.
11200 Westhiemer RS, Suite 900
Houston, TX 77042
Respondent

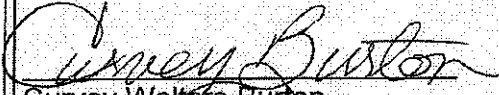
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11200 Westhiemer RS, Suite 900
Houston, TX 77042
Respondent

Lynette Evans
Assistant Attorney General

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2 Attorney for the Department

3 Gerrie Marks, Deputy Director
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7 Phoenix, Arizona 85018

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10 Curvey Walters Burton

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