

STATE OF INDIANA)
) BEFORE THE INDIANA
) SS:
COUNTY OF MARION) COMMISSIONER OF INSURANCE

CAUSE NUMBER: 11062-CO12-0314-006

IN THE MATTER OF:)
)
Disaster Adjusting and Appraisal Services LLC)
10866 McKinley Hwy)
Osceola, IN 46561)
)
William ("Bill") J. Watterud)
1410 Navajo St.)
Elkhart, IN 46516)
License No.: 749495 (Probationary Status))
)
James E. Kalka, Jr.)
113 North Oak Street)
Osceola, IN 46561)
License No.: 391220)
)
Brian Burgess)
7303 Poplar Dr.)
Charlestown, IN 47111)
)
Type of Action: Enforcement)

FILED
APR 10 2012
STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER AND APPROVAL

The Indiana Department of Insurance ("Department"), James E. Kalka, Jr., and William J. Watterud, individually and on behalf of Disaster Adjusting and Appraisal Services, LLC, ("Respondents"), signed an Agreed Entry which purports to resolve all issues involved in the above captioned action regarding the advertising and marketing materials used by Respondents as Certified Public Adjusters, and which has been submitted to the Commissioner of the Department ("Commissioner") for approval.


The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The

Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent Watterud shall pay a civil penalty in the amount of One Thousand Five Hundred and 00/100 dollars (\$1500.00), within thirty (30) days of the date of this Order.
2. Respondent Watterud's license probation shall be extended for one year, to and including April 7, 2013.
3. Respondent Watterud, individually and on behalf of Disaster Adjusting, shall maintain a company website that is neither false nor misleading, and accurately describes the company's principles, agents, and employees.
4. Respondents shall adhere to the terms and conditions of the Order staying the Department's Emergency Cease and Desist Order.
5. The Department shall accept Respondents' compliance with the terms of this Final Order as full resolution of this matter.

ALL OF WHICH IS ORDERED this 10th day of April, 2012.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Adam H. Berry and
Nikolas P. Mann

INDIANA DEPARTMENT OF INSURANCE

311 West Washington Street, Suite 103
Indianapolis, Indiana 46204-2787

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AGREED ENTRY

This Agreed Entry is entered into by Adam H. Berry, attorney for and on behalf of the State of Indiana, Department of Insurance ("Department"), and Disaster Adjusting and Appraisal Services, LLC ("Disaster Adjusting"), William Watterud, and James Kalka (collectively "Respondents"), to resolve all matters in the administrative action commenced by the Department in Cause Number 11062-CO12-0314-006. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner for the Department.

WHEREAS, Respondents Watterud and Kalka are Certified Public Adjusters in the State of Indiana, holding license numbers 749495 and 391220, respectively; and

WHEREAS, Watterud owns and is President of Respondent Disaster Adjusting; and

WHEREAS, on or about March 2, 2012, tornados caused extensive damage to persons and property in communities throughout Southern Indiana, including the town of Henryville, located in Clark County; and

WHEREAS, on March 10, 2012, Respondent Brian Burgess presented Department Investigators David Cuthbert and Ronda Ankney a stack of advertisement flyers that included the following representations about Disaster Adjusting: (a) "LICENSED BY THE DEPARTMENT OF INSURANCE"; and (b) "Resident of Henryville"; and

WHEREAS, Disaster Adjusting is neither licensed by the Department nor a resident of Henryville; and

WHEREAS, Respondents were the subject of an Emergency Cease and Desist Order filed on March 15, 2012; and

WHEREAS, the Emergency Cease and Desist Order was stayed pursuant to certain conditions on March 19, 2012; and

WHEREAS, the Department and Respondents desire to resolve any further differences and settle the issues without the necessity of a hearing;


IT IS, THEREFORE, NOW AGREED by and between the parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Respondents in this administrative action.

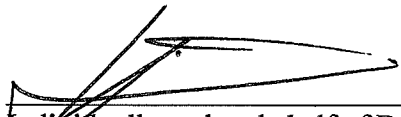
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondents voluntarily and freely waive their right to a public hearing on this matter.
4. Respondents voluntarily and freely waive their right to petition for judicial review of this agreement and the Commissioner's Final Order.
5. Respondent Watterud agrees to pay a civil penalty in the amount of One Thousand Five Hundred and 00/100 dollars (\$1500.00), within thirty (30) days from the date the Commissioner signs the Final Order in this matter.
6. Respondent Watterud further agrees that his license probation will be extended for an additional year, to and including April 7, 2013.
7. Respondent Watterud, individually and on behalf of Disaster Adjusting, agrees to maintain a company website that is neither false nor misleading, and accurately describes the company's principals, agents, and employees.
8. Respondents agree to adhere to the terms and conditions of the Order staying the Department's Emergency Cease and Desist Order.
9. The Department agrees to accept Respondents' compliance with the terms of this Agreed Entry as full resolution of this matter.
10. Respondents are aware that their failure to comply with any term of this agreement will result in the matter being set for hearing.
11. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.

12. Respondents have carefully read this agreement and fully understand and accept its terms.
13. Respondents Disaster Adjusting and Watterud have been represented by counsel, Robert Markette, and Respondent Kalka has been represented by counsel, Don Wertheimer, throughout this proceeding.

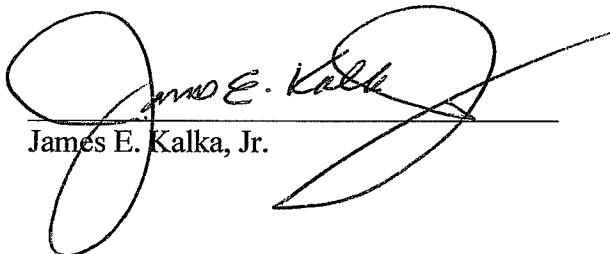
4.9.2012
Date Signed


Adam H. Berry, Enforcement Attorney
Indiana Dept. of Insurance

03-29-12
Date Signed


Individually and on behalf of Disaster
Adjusting & Appraisal Services, LLC
William ("Bill") J. Watterud

3/29/12
Date Signed


James E. Kalka, Jr.

STATE OF Indiana)
) SS:
COUNTY OF St Joe)

Before me a Notary Public for St Joseph County, State of Indiana, personally appeared William J. Watterud, individually and on behalf of Disaster Adjusting and Appraisal Services, LLC, as well as James E. Kalka, Jr., and being first duly sworn by me upon his oath, states that the facts alleged in the foregoing instrument are true. Signed and sealed this 29th day of March 2012.


Signature

Amy Marie Barker
Printed

My Commission expires: 6/26/2019
County of Residence: St Joseph

