

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER of INSURANCE

CAUSE NO.: 22272-PA23-0314-001

IN THE MATTER OF:)

Think Smart Public Adjusting)
376 South Ornament West)
Santa Claus, IN 47579)

Respondent.)

Type of Agency Action: Enforcement)

License Number: 3504331)

FILED

JUN 08, 2023

STATE OF INDIANA
DEPT. OF INSURANCE

**ORDER GRANTING
EMERGENCY CEASE AND DESIST ORDER**

The Commissioner of the Indiana Department of Insurance (“Commissioner”), having reviewed the Enforcement Division’s Motion for Emergency Cease and Desist Order, and being otherwise duly advised, and now finds as follows:

FINDINGS OF FACT

1. The Department of Insurance (“Department”) is authorized to regulate the practice of insurers and public adjusters in Indiana under Indiana Code § 27-1 *et seq.*
2. Respondent Think Smart Public Adjusting does not hold active certification or other authorization required by law to engage in the business of public adjusting in the State of Indiana.
3. The Department obtained substantial credible evidence that Respondent Think Smart Public Adjusting has acted as a public adjuster corporation in Indiana without certification.

4. Respondent Think Smart Public Adjusting was named party to public adjusting contracts solicited on July 5, 2022, August 3, 2022, August 10, 2022, September 7, 2022, and December 5, 2022.
5. Respondent Think Smart Public Adjusting's certification has been inactive since December 31, 2020. Respondent Think Smart Public Adjusting does not hold active certification or other authorization required by law to engage in the business of public adjusting in the State of Indiana.
6. Respondent Think Smart Public Adjusting's conduct in acting as a public adjuster corporation without certification is a violation of Indiana insurance law, and is harmful to consumers.
7. Conclusions of Law that are properly stated as Findings of Fact are incorporated herein.

CONCLUSIONS OF LAW

1. Respondent Think Smart Public Adjusting is subject to the jurisdiction and control of the Department in the State of Indiana.
2. An emergency exists in that Respondent Think Smart Public Adjusting, an uncertified corporation, is acting as a public adjuster and holding themselves out to be a certified public adjuster in Indiana, in violation of Indiana Code § 27-1-27-2, which is an insurance law which states, in part, that no individual or corporation shall act within Indiana as a public adjuster, or receive, directly or indirectly, compensation or reward for services rendered in the adjustment of any claim or claims, unless he, or it, is a holder of a certificate of authority to act as such public adjuster issued by the commissioner of insurance of the State of Indiana.

3. In an emergency, the Commissioner may issue appropriate orders without notice or an evidentiary proceeding under Indiana Code § 4-21.5-4-2(a) and this Emergency Order is issued pursuant to that.
4. This Emergency Order also satisfies the requirements of Indiana Code § 4-21.5-4-2(b).
5. Conclusions of Law that are properly stated as Findings of Fact are incorporated herein.

ORDER

It is hereby **ORDERED** that Respondent, Think Smart Public Adjusting, must immediately cease and desist from acting as a public adjuster corporation in Indiana. This Order shall remain in effect as allowed by Indiana Code § 4-21.5-4-5(3).

Under Indiana Code § 4-21.5-4-3, this Emergency Order is effective when issued. Respondent has the right to request a hearing on this Emergency Order by filing a request for a hearing, and if requested, an evidentiary hearing will be set on the matter as soon as practicable pursuant to Indiana Code § 4-21.5-4-4.

6/8/23

Dated



Amy L. Beard, Commissioner
Indiana Department of Insurance

Distribution to:

Samantha Aldridge, Attorney
ATTN: Chris Conrad, Specialty
License Compliance Director
Indiana Department of Insurance
311 West Washington St. #103
Indianapolis, IN 46204-2787

Think Smart Public Adjusting
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Santa Claus, IN 47579

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MOTION FOR EMERGENCY CEASE AND DESIST ORDER

Comes now the Enforcement Division of the Indiana Department of Insurance (“Department”) and files its Motion for an Emergency Cease and Desist Order against Think Smart Public Adjusting (“Respondent”) and states:

Respondent is a formerly certified nonresident public adjuster corporation under certification number 3504331.

The Department found substantial credible evidence that Respondent acted as a public adjuster without certification.

Respondent’s certification expired on December 31, 2020.

Respondent was party to public adjuster contracts solicited on July 5, 2022, August 3, 2022, August 10, 2022, September 7, 2022, and December 5, 2022.

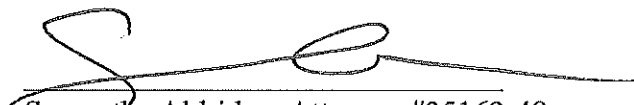
Indiana Code § 27-1-27-2(a) is an insurance law which states, in part, that no individual or corporation shall act within Indiana as a public adjuster, or receive, directly or indirectly, compensation or reward for services rendered in the adjustment of any claim or claims, unless he, or it, is a holder of a certificate of authority to act as such public adjuster issued by the Commissioner of insurance of the State of Indiana.

Indiana Code § 4-21.5-4-1(1) allows an agency to conduct proceedings if an emergency exists.

An emergency exists in that Respondent, an uncertified corporation is actively acting as a public adjuster in Indiana, which violates an Indiana Insurance law and is harmful to Indiana consumers.

WHEREFORE, the Enforcement Division requests that the Commissioner issue an Emergency Cease and Desist Order against Respondent under Indiana Code § 4-21.5-4-2(a)(1), and for all other necessary and proper relief.

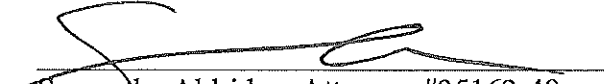
Respectfully requested,


Samantha Aldridge, Attorney #35162-49
Enforcement Division
Indiana Department of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Respondents at the address listed below by United States first class mail, the same day as filing.

Think Smart Public Adjusting
376 South Ornament West
Santa Claus, IN 47579


Samantha Aldridge, Attorney #35162-49
Enforcement Division