

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF BUSINESS REGULATION  
DIVISION OF INSURANCE  
1511 PONTIAC AVENUE, BUILDING 69-2  
CRANSTON, RI 02920

IN THE MATTER OF:

ANTHONY D. OLAES

RESPONDENT.

DBR No. 2018-IN-001

CONSENT ORDER

Whereas the Department of Business Regulation (“Department”) issued an Emergency Cease and Desist Order on August 20, 2018, ordering that Anthony D. Olaes (“Respondent”) Cease and Desist from Unlicensed Activity;

Whereas Respondent and the Department’s Division of Insurance (“Division”) conducted a Prehearing Conference on September 14, 2018;

and

Whereas Respondent currently holds a Rhode Island license as a Company/Independent Adjuster, National Producer Number 7560044 and Rhode Island License Number 1049878.

It is hereby agreed between the Division and Respondent as follows:

1. A Company/Independent Adjuster license qualifies Respondent to either be employed (employee) or contracted (independent contractor) for compensation with insurers or self-insurers to investigate, negotiate, or settle property, casualty, or workers’ compensation claims for insurers or self-insurers.
2. Respondent has never been nor is he currently licensed as a public insurance adjuster.
3. Respondent has held himself out to insurers as a “property adjuster/consultant.”

4. Neither the titles “property adjuster” or “consultant” authorizes Respondent to negotiate benefits under an insurance contract on behalf of insureds with an insurer or to interpret coverage under insurance contracts for insureds for compensation.
5. Respondent is not exempt from licensure under any of the clauses contained within R.I. Gen. Laws § 27-10-2.
6. Respondent is not authorized by any other law or authority to negotiate property insurance claims on behalf of Rhode Island consumers.
7. In 2017 and 2018, Respondent emailed insurers on behalf of consumers in Rhode Island, seeking to negotiate with those insurers regarding homeowner insurance claims. Respondent also had a website and Facebook page in 2018 marketing his services as an insurance “consultant” and “property adjuster,” marketing those services to consumers in Rhode Island.
8. In July 2018 the Department received a consumer complaint (“Complaint”) about the insurance “consulting” that Respondent provided. Respondent’s response to the Department’s concerns in that Complaint were not adequate.
9. R.I. Gen. Laws § 27-10-1.2(a) states “A person shall not act or hold himself out as a public, company or independent adjuster in this state unless the person is licensed in accordance with this chapter.”
10. R.I. Gen. Laws § 27-10-1.1(i) states: “(i) “Public adjuster” means any person who, for compensation or any other thing of value on behalf of the insured:
  - (1) Acts or aids, solely in relation to first-party claims arising under insurance contracts that insure the real or personal property of the insured, other than automobile, on behalf of an insured in negotiating for, or effecting the settlement of, a claim for loss or damage covered by an insurance contract;
  - (2) Advertises for employment as a public adjuster of insurance claims or solicits business or represents himself or herself to the public as a public adjuster of first-

party insurance claims for losses or damages arising out of policies of insurance that insure real or personal property; or

(3) Directly or indirectly solicits business, investigates or adjusts losses, or advises an insured about first-party claims for losses or damages arising out of policies of insurance that insure real or personal property for another person engaged in the business of adjusting losses or damages covered by an insurance policy, for the insured.”

11. R.I. Gen. Laws § 42-14-16(a) gives the Director authority over “any person or entity conducting any activities requiring licensure under title 27,” with provisions thereunder authorizing the assessment of fines and the issuing of Cease and Desist Orders.

THEREFORE, based on the foregoing, Respondent and the Division have decided to resolve this matter without an administrative hearing, the Division and Respondent Olaes have agreed on the above cited facts and law, and hereby agree to the following resolution:

- I. The Emergency Cease and Desist Ordered on August 20, 2018 shall become a permanent Cease and Desist Order prohibiting Respondent from unlicensed public adjusting.
- II. A Cease and Desist Order shall enter prohibiting Respondent from interpreting coverages under insurance contracts in exchange for valuable consideration without being licensed as a public adjuster.
- III. Respondent will be allowed to maintain his Company/Independent Adjuster license.
- IV. Respondent acknowledges that he must have a Public Adjuster license in order to negotiate on behalf of insureds or to interpret contracts for insureds in exchange for valuable consideration, and that he cannot have a Public Adjuster license at the same time he has a Company/Independent Adjuster license.
- V. Respondent admits the Facts listed above.
- VI. Respondent agrees to remove any reference or advertisement for services that require a public adjuster license from his website, other online presence, and any other marketing materials for his services.

Waiver of Hearing and Appeal. By agreeing to resolve this matter through the execution of this Consent Order, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*

Enforcement. If the Respondent fails to comply with any term or condition of this Consent Order within any applicable time period set forth herein, the Respondent will be in violation

hereunder and the Department shall be entitled to immediately to take enforcement or other action in accordance with applicable law.

Compliance: Other Laws. Compliance with the terms of this Consent Order does not relieve the Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency

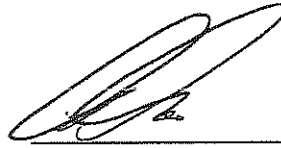
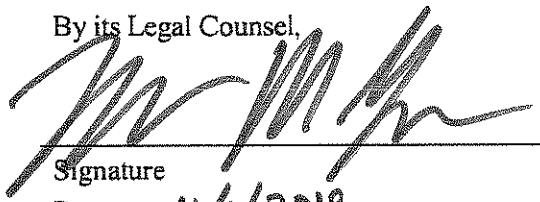
Respondent and Counsel for the Division hereby consent and agree to the foregoing on the

1st day of ~~September~~ NOVEMBER 2018.

Division of Insurance

Anthony D. Olaes, Respondent

By its Legal Counsel,



Signature

Signature

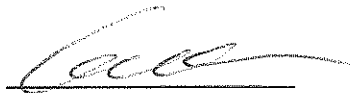
Date: 11/1/2018

Date: 10/16/18

Matthew M. Gendron, Esq.

Anthony D. Olaes

RECOMMENDED BY:



Date: 11/3/18

Catherine Warren, Esq.

Hearing Officer

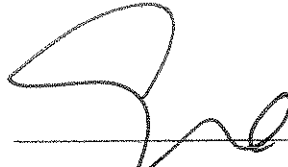
ORDER

I have read the Consent Order as agreed to by and between the parties in the above captioned matter and I hereby take the following action:

Approve

Reject

Dated: 11/16/18

  
Elizabeth M. Tanner, Director

NOTICE PURSUANT TO R.I. GEN. LAWS § 42-35-12

THIS CONSENT ORDER CONSTITUTES A FINAL ORDER OF THE DEPARTMENT OF BUSINESS REGULATION PURSUANT TO RHODE ISLAND GENERAL LAWS TITLE 42, CHAPTER 35. AS SUCH, THIS ORDER MAY BE APPEALED TO THE SUPERIOR COURT SITTING IN THE COUNTY OF PROVIDENCE WITHIN THIRTY (30) DAYS OF THE DATE OF THIS DECISION. SUCH APPEAL, IF TAKEN, MAY BE COMPLETED BY FILING A PETITION FOR REVIEW OF SAID COURT. HOWEVER, RESPONDENT UNDERSTANDS THAT BY WAIVING ITS RIGHTS TO A COMPLETE HEARING AND AGREEING TO THIS CONSENT ORDER, THE ABOVE RIGHTS ARE WAIVED. IF ANY TERMS OF THIS CONSENT ORDER ARE VIOLATED, RESPONDENT'S LICENSE SHALL BE SUBJECT TO SUSPENSION OR REVOCATION.

CERTIFICATION

I hereby certify on this 19<sup>th</sup> day of ~~September~~, 2018, that a copy of the within order was sent by first class mail, postage prepaid to: November

Anthony D. Olaes 35 BARREN HILL DR WARWICK, RI 02886-2103	Anthony D. Olaes c/o FARM FAMILY INSURANCE 344 ROUTE 9 W. GLENMONT, NY 12077
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By Electronic Delivery via Email Address: [tonyolaes17@gmail.com](mailto:tonyolaes17@gmail.com); [tonyolaes@yahoo.com](mailto:tonyolaes@yahoo.com); [Elizabeth.Dwyer@dbr.ri.gov](mailto:Elizabeth.Dwyer@dbr.ri.gov); [Catherine.Warren@doa.ri.gov](mailto:Catherine.Warren@doa.ri.gov); [Matthew.Gendron@dbr.ri.gov](mailto:Matthew.Gendron@dbr.ri.gov); and [Rachel.Chester@dbr.ri.gov](mailto:Rachel.Chester@dbr.ri.gov).

