

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER, BLDG. 68-1
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920

IN THE MATTER OF

DALE RANKIN,

RESPONDENT.

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DBR No. 19IN007

**EMERGENCY ORDER SUMMARILY SUSPENDING
LICENSE, ORDER TO SHOW CAUSE WHY LICENSE
SHOULDN'T BE REVOKED, APPOINTMENT OF HEARING
OFFICER AND NOTICE OF PRE-HEARING CONFERENCE**

The Director of the Rhode Island Department of Business Regulation ("Department"), hereby issues this Emergency Order Summarily Suspending License, Order to Show Cause Why License Should not be Revoked, Appointment of Hearing Officer and Notice of Pre-Hearing Conference ("Order") to Dale Rankin ("Respondent"), pursuant to R.I. Gen. Laws §§ R.I. Gen. Laws § 27-10-1, *et seq.*, the Rhode Island Administrative Procedures Act ("APA") R.I. Gen. Laws § 42-35-1 to -18, specifically R.I. Gen. Laws § 42-35-14(c), R.I. Gen. Laws § 42-14-16, R.I. Gen. Laws § 27-2.4-14 and 230-RICR-10-00-2, *Rules of Procedure for Administrative Hearings* ("Rules of Procedure"). This Order is effective upon issuance.

The Director issues this Order for the following reasons:

FACTS

1. The Respondent possesses Public Adjuster License No. 3000525251 ("License"), which was issued on April 12, 2019 with an expiration date of October 31, 2020.
2. In Respondent's Individual Adjuster License Application, Public Adjuster ("Application"), Respondent answered "No" to the following question:

"Have you or any business in which you are or were an owner, partner, officer or director ever been involved in an administrative proceeding regarding any profession or occupational license?"

3. On or about April 17, 2019, the Department received a complaint (“Complaint”) regarding Respondent’s licensure, which included information that Respondent had been sanctioned by another Rhode Island state agency as a result of administrative action.¹
4. An independent search of the Rhode Island Contractors’ Registration and Licensing Board (“CRLB”) revealed that the residential and commercial contractor entity of D & D Home and Industrial Services, LLC’s (“D & D”) current registration status is “Revoked.” D & D has received a total of nine (9) claims and has had six (6) violations since July of 2015. The CRLB separately confirmed that D & D’s Registration was permanently revoked on or about December 20, 2017 per a *Final Order* of the Hearing Officer in Claim No. 9066.²
5. Upon information and belief, the substance of the claims and violations at the CRLB during the years of 2015 and 2016 include claims for breach of contract, and negligent/improper work on behalf of individual homeowners. Out of the nine (9) claims made to the CRLB, three (3) resulted in monetary restitution to the claimants, two (2) were resolved without restitution, and the remainder were pursued in Civil Court.
6. Respondent is listed as the contact person for and owner of D & D in its 2017 Annual Report filed with the Secretary of State’s Office and was the individual that possessed CRLB Registration No. 18962 on behalf of D & D.

RELEVANT LAW

7. Pursuant to R.I. Gen. Laws § 27-10-1.2(a), “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.”
8. Pursuant to R.I. Gen. Laws § 27-10-3(a), “The insurance commissioner may issue to any person a license to act as either a public adjuster; company adjuster; or independent adjuster once that person files an application in a format prescribed by the department and declares under penalty of suspension, revocation, or refusal of the license that the statements made in the application are true, correct, and complete to the best of the individual’s knowledge and belief. Before approving the application, the department shall find that the individual...(3) Is trustworthy, reliable, and of good reputation, evidence of which shall be determined by the department; (4) Has not committed any act that is a ground for probation, suspension, revocation, or refusal of a professional license as set forth in § 27-10-12...”
9. Pursuant to R.I. Gen. Laws § 27-10-5(a), “Unless denied licensure, persons who have met the requirements of §27-10-3 shall be issued either a public, company, or independent adjuster license.”

¹ The Division of Insurance has received at least three inquiries from consumers since April 12th alerting it to the CRLB actions involving Respondent.

² The Respondent has appealed the CRLB registration revocation to the Providence Superior Court via case No. PC-2018-7645. However, Respondent has only filed the Complaint and Summons and more than one-hundred and twenty (120) days has elapsed since filing.

10. Pursuant to R.I. Gen. Laws § 27-10-12(a), “The insurance commissioner may place on probation, suspend, revoke, or refuse to issue or renew an adjuster’s license or may levy a civil penalty in accordance with § 42-14-16 or any combination of actions for any one or more of the following causes: (1) Providing incorrect, misleading, incomplete, or materially untrue information in the license application; ... (3) Obtaining or attempting to obtain a license through misrepresentation or fraud.”
11. Pursuant to R.I. Gen. Laws § 42-35-14(c), if the Department “finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of license may be ordered pending proceedings for revocation or other action”

CONCLUSION & BASIS FOR EMERGENCY ACTION

12. Due to the nature of the CRLB claims against Respondent, which include multiple cases of negligent homeowner work, the nature of the License recently issued to Respondent, which includes representing homeowners’ interests in insurance claims, and Respondent’s egregious misrepresentation to the Department in his Application, the Director has cause to believe that Respondent is in violation of R.I. Gen. Laws § 27-10-12(a).
13. Accordingly, Respondent’s conduct as set forth herein demonstrates that he is unqualified to be licensed as a Public Adjuster. For all the reasons set forth in this Order, the Director finds that the public’s safety and welfare imperatively require that his Public Adjuster License be summarily suspended pursuant to R.I. Gen. Laws § 42-35-14(c).

ORDER

Accordingly, it is hereby ORDERED:

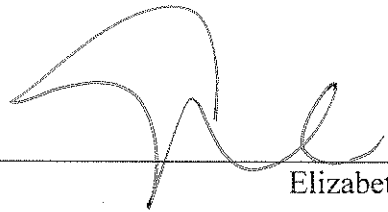
14. That, pursuant to R.I. Gen. Laws § 42-35-14(c), Respondent’s Public Adjuster License No. 3000525251 is suspended;
15. That, Respondent shall cease and desist from any and all activity requiring licensure as a Public Adjuster;
16. That, Respondent shall notify all parties with whom or for whom he has contracted or performed services since licensure that his License has been suspended pursuant to this Order;
17. That, Respondent shall appear before a Hearing Officer at the Department for a **Pre-Hearing Conference on May 13, 2019 at 9:30 a.m.** at the Department’s offices located at **1511 Pontiac Ave., Bldg. 68-69, Cranston, RI 02920**, in accordance with the Rules for Administrative Proceedings, § 2.6.

Pursuant to R.I. Gen. Laws § 42-6-8, the Director hereby appoints Catherine Warren, Esq., as Hearing Officer for the purpose of conducting the hearing and rendering a decision in this matter.

The proceedings shall be conducted in conformity with the APA and the Rules of Procedure. Section 2.5 of the Rules of Procedure provides that it shall be the Respondent's sole responsibility to present the Respondent's defense to the Hearing Officer. Pursuant to Section 2.7 of the Rules of Procedure, the Respondent may be represented by legal counsel admitted in the State of Rhode Island. If the Respondent fails to appear at the Pre-Hearing Conference and has not otherwise notified the Department of the Respondent's inability to attend, the Hearing Officer may enter a default judgment against the Respondent pursuant to Section 2.21 of the Rules of Procedure.

If you have any questions regarding the subject matter of the hearing, please contact the prosecuting attorney, Sara Tindall-Woodman, Esq., at (401) 462-9563 or Sara.K.TindallWoodman@dbr.ri.gov.

Dated this 29th day of April 2019.



Elizabeth M. Tanner
Director

All are welcome at the Rhode Island Department of Business Regulation ("DBR"). If any reasonable accommodation is needed to ensure equal access, service or participation, please contact DBR at 401-462-9551, RI Relay at 7-1-1, or email DBR.dirofficeinq@dbr.ri.gov at least three (3) business days prior to the hearing.

CERTIFICATION

I hereby certify that on this 1st day of May 2019, a true copy of the within Order was sent by first-class mail, postage prepaid, and by certified mail also to:

Dale Rankin
10 Sadler St.
North Providence, RI 02911

And by e-mail to:

1. Catherine Warren, Esq., Hearing Officer;
2. Elizabeth Dwyer, Superintendent of Financial Services;
3. Rachel Chester, Chief of Consumer and Licensing Services, Division of Insurance;
4. Sara Tindall-Woodman, DBR Senior Legal Counsel;
5. Respondent (DRSAT3@aol.com).



A handwritten signature in cursive script, appearing to read "Amy J. De", is written over a horizontal line.