

November 15, 2024

Sent via email:

Scott Kluempke Scott.D.Kluempke@DCBS.Oregon.gov

Karen Winkle Karen.J.WINKEL@DCBS.oregon.gov

Thank you for giving Oregon Consumer Justice (OCJ) the opportunity to provide feedback on the draft rule related to Public Adjuster Licensing that was discussed at the October 31, 2024 RAC meeting.

Section 13: Public Adjuster Fees

Given the conversation at the most recent RAC meeting and independent research, there is a range of opinions about the potential impacts of fee caps on consumers.

We appreciate that the National Association of Insurance Commissioners has a working group on Public Adjuster Licensure and part of their charge is to strengthen regulatory standards around excessive fees.¹ In the notes from the NAIC working group, we were interested to read that some State Insurance Commissioners expressed concern that the “reasonable” fee language suggested as an alternative to specific fee caps exacerbated consumer problems by making it harder for consumers to tell if they’re being overcharged and when to report these charges to the state insurance department for review. Those statements cause OCJ to pause and urge the agency to be very thoughtful about how to move forward. If a decision is made to remove fee caps we think it is important to have very clear guidelines to determine what is reasonable.

Section 14.D: Written disclosures on potential conflict of interest

OCJ agrees with the comment during the RAC meeting that there is an inherent conflict of interest if a Public Adjuster has a financial interest in another party involved in a case. The written disclosure proposed in the draft rule is not sufficient protection for the parties. A Public Adjuster should not be able to have a financial interest in multiple parties involved in a case.

Regards,
Chris Coughlin
Policy Director

¹ Accessed 11/14/24 https://content.naic.org/sites/default/files/call_materials/Meeting%20Materials_1.pdf