

MARYLAND INSURANCE  
ADMINISTRATION

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BEFORE THE MARYLAND  
INSURANCE COMMISSIONER

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v.

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CASE NO.: MIA-2021-02-026  
MIA-2021-02-027

\*

XPRESS EXTERIOR DESIGN, LLC

and

\*

JOSEPH ZACOT

\*

Respondents

\*

FRAUD FILE NO.: T-2020-0184  
R-2020-0723A

\* \* \* \* \*

**CONSENT ORDER**

This Consent Order (“Order”) is issued by the Maryland Insurance Administration (the “Administration”) with the consent of Xpress Exterior Design, LLC (“Xpress”) and Joseph Zacot (“Zacot”) (collectively, “Respondents”) pursuant to §§ 2-108, 2-204, 2-405 and 10-403(a) of the Insurance Article, Md. Code Ann. (2017 Repl. Vol. & Supp.) (the “Insurance Article”).

**I. Background**

1. On February 17, 2021, the Administration issued an Order against Respondents.
2. On February 26, 2021, Respondents timely requested a hearing, which has not been scheduled.
3. Respondents dispute the Administration’s findings and conclusions of law contained in the initial Order, but wish to resolve these matters amicably through this Consent Order.

**II. The Administration’s Investigation**

4. A public adjuster is defined in the Insurance Article to include a person who, for compensation, acts for or assists a policyholder in assessing the value of, negotiating for, or effecting the settlement of a first property insurance claim under a property and casualty policy that insures the policyholder’s real or personal property *See* Md. Code Ann. Insurance § 10-

401(g). A person is required to be licensed to act as a public adjuster in the State. *See* Md. Code Ann., Insurance § 10-403(a).

5. Constantinos Marketis, Jr. is the Chief Executive Officer (“CEO”) for Xpress, a Limited Liability Corporation incorporated in Maryland with its principal office in Parkville, Maryland. Melissa Marketis is the resident agent of Xpress and she holds a contractor/salesmen license for Xpress issued by the Maryland Home Improvement Commission (Registration No. 118113). Xpress is not now and has never been, licensed to act as a public adjuster in Maryland.

6. Joseph Zacot is an individual who holds himself out as a “Certified Estimating and Product Specialist” who at all pertinent times was employed by Xpress. Zacot is not now and has never been, licensed to act as a public adjuster in Maryland.

7. Notwithstanding their failure to be licensed, both Xpress and Zacot have engaged, and continue to engage, in the business of public adjusting in Maryland and have otherwise violated the insurance laws of the State to the harm and detriment of Maryland policyholders.

### **III. The Travelers Claim**

8. Travelers Insurance Company (“Travelers”) is an insurer authorized to issue property and casualty insurance policies in Maryland. A Maryland homeowner and Travelers insured initiated a claim under her Travelers policy by notifying Travelers that her insured home sustained storm damage on August 14, 2020. In response, Travelers opened a claim file with respect to the asserted loss. Travelers’ claim notes reflect that the homeowner S.P.<sup>1</sup> had a “roofer,” specifically identified as “Joe Zacot,” from Xpress with her when she reported the claim.

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<sup>1</sup> Initials are used to protect the identity of witnesses in this matter.

9. On August 17, 2020, B.K., a Travelers' representative was scheduled to inspect the roof of the S.P.'s home. When B.K. arrived at S.P.'s home, she observed a representative for Xpress on the roof. B.K. observed and video recorded the Xpress representative, identified as Zacot, purposely "bending and creasing" shingles.

10. On August 18, 2020, Travelers referred the claim to its Special Investigations Unit ("SIU") for investigation given the video recording of Respondent Zacot vandalizing the homeowner's roof.

11. On [August 19, 2020], a Travelers' investigator contacted the referring claim manager, B. K., and went over her referral as follows:

[B.K.] reported that she was assigned the claim on [August 14, 2020], and arranged to meet with the insured and the insured's contractor for an inspection on [August 17, 2020]. [B.K.] reported that she lined-up Rebuild, Inc. for the ladder assist and independent roof inspection, and went to the insured's home to meet with Rebuild. [B.K.] reported that she arrived about 20-minutes early for the inspection, and upon parking across the street from the insured's home, she had seen that the contractor was already at the house and was walking on the roof. [B.K.] reported that she started to watch, and observed the contractor (unknown just who the man is) on the roof and damaging shingles. [B.K.] reported that she immediately started to take video of the activities that the contractor was engaged in. [B.K.] reported that the contractor exited off the roof, and after the ladder assist arrived, the [Travelers]' inspection was completed.

12. On August 26, 2020, the Travelers' investigator received a call from the insured, S.P., re: her claim and Travelers' investigation. The investigator's notes state:

[S.P.] and I discussed how she came to hire Xpress Exterior Design, LLC... [S.P.] reported that she googled the Internet first, but then her son-in-law mentioned that a friend of his name "Joe" just started working for a "top-notch" roofing company called Xpress Exterior Design. [S.P.] reported that she called them and Joe and a man named "Sean" came to her house and inspected her roof. [S.P.] advised that both Shane and Joe went on her roof during her inspection on [August 14, 2020]. [S.P.] reported that after the inspection they came off the roof and told her that she had wind related shingle damage on the roof. [S.P.] advised that Shane left, and she and "Joe" called in her claim to [Travelers]. [S.P.] reported that [Travelers] called her and arranged for an inspection. [S.P.] advised that she had told "Joe" about the inspection, and he came to her house to assist the [Travelers']

representative] that was coming [B.K.]. [S.P.] reported that before the [Travelers' representative] arrived [S.P.] confirmed that she seen the [Travelers'] inspector across the street from her house that morning about a ½ hour too early), "Joe" went back up on her roof. [S.P.] reported that she did not know why he went back, but figured that he was doing something in anticipation of the insurance company's inspection. [S.P.] stated that she had "no idea that [Joe] was damaging her roof."

13. On August 27, 2020, a Travelers' investigator spoke with Joe Zacot. The Travelers' investigator's notes state:

I explained my role in the claim, i.e. investigation of vandalism, and asked Zacot about his inspection(s) atop [S.P.]'s roof. Zacot confirmed that he was on the roof twice. He advised that he and "Shane" inspected [S.P.]'s roof the first time [August 14, 2020], and he went back up to "chalk" the roof the day of the [Travelers'] inspection. Zacot advised that it had rained between the first inspection and the inspection on [August 17, 2020], so, he went back up on the roof with roofing chalk to remark the damaged shingles. Zacot advised that he merely marked the shingles before the [Travelers'] inspection, he did not lift of any shingles. Zacot denied lifting and creasing shingles at any time, especially on the morning of the [Travelers'] inspection, even in spite of being told about the video imaging. I asked Zacot about ownership of Xpress Exterior Design. Zacot refused to supply the information "till he knows where this is going."

14. Travelers, based on the foregoing facts, concluded that Respondents may have committed insurance fraud. Consequently, Travelers referred the matter to the Fraud Division of the Administration as potential fraud.

15. Section 27-802(a)(1) of the Maryland Insurance Article states,

An authorized insurer, its employees, fund producers, or insurance producers, ... who in good faith has cause to believe that insurance fraud has been or is being committed shall report the suspected insurance fraud in writing to the Commissioner, the Fraud Division, or the appropriate federal, State, or local law enforcement authorities

16. The Administration opened an investigation into the conduct of Respondents, including whether Respondents acted as unlicensed public adjusters engaged in insurance business.

17. On October 14, 2020, the Administration interviewed B.K., the Travelers' representative who witnessed Zacot purposely damaging roof shingles. In the interview, B.K. confirmed that she

video recorded the August 17, 2020 incident, wherein Zacot, an Xpress representative purposely damaged roof shingles on a home insured under a Travelers' insurance policy. Zacot provided B.K. with a business card, on which, he was identified as "Joe Zacot - Certified Estimating and Product Specialist" for Xpress. The business card contained Zacot's photograph. B.K. did not confront Zacot regarding what she witnessed; she reported the incident to her supervisor.

18. The Administration confirmed that Travelers paid \$6,879.36 to repair damage to its insured's roof, as a result of Zacot's conduct. On September 17, 2020, Travelers sent a letter to Xpress requesting reimbursement, in the amount of \$6,879.36, which stated:

Our investigation revealed that you are responsible for the loss. On behalf of the Standard Fire Insurance Company ["Standard"], I [Travelers] formally request reimbursement of \$6,879.36. This amount includes \$5,879.36 in payments made by Standard and \$1,000.00 paid [the insured], as a deductible.

19. On October 5, 2020, Travelers sent another letter to Xpress, which stated,

I am writing as a follow up to the letter dated 09/18/2020 requesting reimbursement for damages sustained by [insured] in the amount of \$6,879.36. We have not yet received a response to this letter.

20. The Administration confirmed that as of October 19, 2020, Zacot remained an employee of Xpress.

21. The Administration contacted a representative for the Maryland Home Improvement Commission ("MHIC") who reported that a roofer soliciting home improvement work would be required to hold an active MHIC salesperson license. On October 22, 2020, the MHIC provided the Administration with a letter confirming that Zacot does not hold an MHIC salesperson license.<sup>2</sup>

22. On October 26, 2020, the Administration interviewed S.P., the homeowner who made the August 14, 2020 claim. S.P. reported that Zacot was her sole contact with Xpress. Zacot met S.P.

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<sup>2</sup> See Md. Ann. Code, Business Regulations Article § 8-101(l) states, "Salesperson means a person who sells a home improvement."

at her home on August 17, 2020, and discussed the repair or replacement of her roof. S.P. chose not to hire Xpress after learning that Zacot damaged her roof. S.P. hired another roofing company to repair the damage caused by Zacot. Travelers paid \$6,879.36 to replace S.P.'s roof, which included the \$1,000 deductible paid by S.P. Travelers sent remittance letters to Xpress in September and October, 2020, seeking reimbursement for the malicious damage to S.P.'s roof caused by Xpress' employee. As of the date of this Order, Xpress has not paid restitution to Travelers. Constantinos Marketis, the CEO of Express contacted S.P. several times to argue that Xpress had done nothing wrong.

23. On October 29, 2020, the Administration obtained a copy of the Travelers' roof assessment report, for the August 14, 2020 claim. On August 17, 2020, a Maryland contractor, on behalf of Travelers prepared an assessment report, which stated:

All of the damaged shingles on the roof are torn or have matting transfer. Matting transfer suggests that the shingle above was ripped with force from the shingle below and is not typical of wind damage.

#### **IV. Xpress' Facebook and YouTube Postings**

24. On May 12, 2020, the MIA received a complaint, which stated that Xpress was advertising that it can assist homeowners with filing insurance claims. The MIA's Insurance Fraud Division opened an investigation into the conduct of the Respondents, including whether they were soliciting public adjuster services to Maryland consumers.

25. The Administration examined social media advertisements for Xpress. The content included the following:

[See <https://www.youtube.com/watch?v=i0qwSFW2cU8&feature=youtu.be>]

The video, dated May 11, 2020, was captioned with the following language:

Watch this video to find out how Xpress Exterior Design can assist you with the process of potentially getting a new roof for just the cost of your deductible!

www.xpressexteriordesign.com. And, How to have your homeowners [sic] insurance liable for your storm damaged roof! We all pay our homeowners insurance for a reason. If you have suffered any storm damage to your roof such as missing shingles, creased shingles, curling shingles, granule loss, hail damage and more.... Get a free roof inspection! Call Xpress Exterior Design (855) MY-XPERT (699-7378) www.xpressexteriordesign.com

Within the video Marketis stated:

*Today I wanted to talk to you about the insurance process..if you need to file an insurance claim, give us a call...but if you, as the homeowner, they (insurance company) know you don't know this process, you could be taken advantage of.... I'm at Mr. Mark's house... Mr. Mark gave Xpress Exterior Design a call to come out and give him a free roofing inspection. ...we'll let you know if you should file a claim with your insurance company or not.... we'll walk you through the process hand in hand with you...we'll have you get a claim number, set up an adjuster's meeting, we'll meet you out here at your adjuster's meeting...Now your insurance company, they're going to tell you to get 3 estimates. Out of those 3 estimates, what do you think they're gonna [sic] do? They're gonna [sic] pick the cheapest guy in town.... Mr. Mark received a \$6,300 value from the insurance company...It's actually \$15,500...We helped Mr. Mark get the maximum value. The insurance company came back and told Mr. Mark \$15,400. They were \$100 short. From that point on, we helped Mr. Mark get the maximum value.*

[See <https://www.youtube.com/watch?v=K1-PL51X4TE> (emphasis added)]

The video, dated May 12, 2020, is captioned with the following language:

The king of exterior and Mr. Roof are letting you know that your roof could potentially have storm damages! Guess what!? They are liable! Call us to assist you! (855) MY-XPERT (699- 7378) www.xpressexteriordesign.com

Within the video, Marketis stated:

*File an insurance claim...we're gonna [sic] come out.... file an insurance claim, get a claim number, schedule a meeting with your adjuster..., we're gonna [sic] come out and assist you hand in hand...*

26. The Administration examined Xpress' Facebook posts for the year 2020. The content included the following:

[See <https://www.facebook.com/1846601402132884/videos/2639059343032084>]

April 23, ...Have you suffered any storm damages with your roof? WIND OR HAIL! Don't hesitate to give us a call! We will walk you through the process!

Within the video, Marketis stated:

*We walk you through the process, you file an insurance claim, and the adjuster comes out. **We'll mark up the roof with all the damages and assist you through the process. And help you get your roof covered...We'll help you through the process. This is why we all have homeowner's insurance...***

[See <https://www.facebook.com/XpressExterior> (emphasis added)]

May 7, ... Xpress Exterior Design believes in fully educating our customers instead of providing some type of push sales pitch. Allow us the opportunity to meet with you and educate you to the fullest extent! Your homeowner's insurance is fully liable for all of the damages!

[See [https://www.facebook.com/XpressExterior/?ref=page\\_internal](https://www.facebook.com/XpressExterior/?ref=page_internal)]

May 18, ...GETTING YOUR ROOF APPROVED AND PAID BY YOUR HOMEOWNER'S INSURANCE IS EVEN BETTER! ...CALL FOR YOUR FREE ROOFING INSPECTION AND SEE IF WE CAN GET YOU APPROVED BY YOUR INSURANCE COMPANY!!

[See <https://www.facebook.com/1846601402132884/videos/838995263177090> (emphasis added)]

May 29, ...Do you need the assurance to get your roof through your homeowners insurance? **Xpress Exterior Design is assisting people in getting a new roof covered through their insurance company!**

Within the video, an Xpress representative stated:

*So I can tell you something, maybe I'll give you my insurance, or no, I'll give you my assurance, that **if I get on your roof and there's storm damage, it's covered by your insurance.** Hurry up and get with us...*

[See <https://www.facebook.com/XpressExterior/videos/195003831734939> (emphasis added)]

June 4 ... Xpress Exterior Design covers all of Maryland! Allow us to educate you and help you get your new roof next to nothing!

Within the video, an Xpress representative stated:

*We just started with the insurance game...finding all this damage, saving people lots and lots of money.*

[See [https://www.facebook.com/XprcssExterior/?ref=page\\_internal](https://www.facebook.com/XprcssExterior/?ref=page_internal)]



June 22...THIS ROOF WAS FULLY APPROVED BY THE HOMEOWNERS!  
Did you know roughly 70% of most roofs have STORM RELATED damages.  
CALL YOU XPERT [*sic*] TO FIND OUT HOW WE CAN ASSIST YOU!

[See <https://www.facebook.com/XpressExterior/videos/559241264767956>]

July 3, ... Another approved roof for JUST the cost of the deductible! With storm damages your homeowner's insurance is fully liable!

Within the video, an Xpress representative stated:

*We're meeting with the adjuster...if there's storm damage, me and my guys will work with the insurance company and get you taken care of for your deductible...*

[See [https://www.facebook.com/XpressExterior/?ref=page\\_internal](https://www.facebook.com/XpressExterior/?ref=page_internal) (emphasis added)]

July 11...SIDING HAS STORM DAMAGE AS WELL AND **YOUR HOMEOWNER'S INSURANCE IS LIABLE!** WITH ALL OF THE STORMS THAT HAVE PASSED BY, YOU POSSIBLY HAVE DAMAGED SIDING. YOU MIGHT WANT TO UPGRADE YOUR SIDING OR REPLACE IT BECAUSE IT IS AGED!

Maryland, Pennsylvania, & Delaware  
Call us for a FREE Siding Estimate.

[See <https://www.facebook.com/joey.gunz.96/videos/982295975507157> (emphasis added)]

July 14...HAVE YOU SUFFERED ANY STORM DAMAGE OR IN NEED OF A NEW ROOF!?! ...YOUR ROOF MIGHT ONLY BE THE COST OF THE INSURANCE DEDUCTIBLE!

Within the video, an Xpress representative stated:

*"And when you talked to the insurance company, did they give you any kind of trouble with filing your claim or was it smooth sailing with that as well?"*

Customer: *"Didn't have any problems talking with the insurance adjuster, and everything went good."*

Xpress representative: *"...and once they rip it off your roof and replace it through the insurance did I explain all that thoroughly to you and you understood all that, right?"* Customer: *"Yes I did and everything was great."*

[See <https://www.facebook.com/XpressExterior/videos/727289154508175> (emphasis added)]

August 4...We will make sure you're fully taken care of! Suffered any storm damages?

Within the video, an Xpress representative stated:

*Hey. Mr. Roofll [sic] come check you out. Free inspection. You never know. Your insurance company might be footin' [sic] the bill. There's wind damage, hail, all kinds of crazy weather elements. And I'm here to help you out.*

[See <https://www.facebook.com/1846601402132884/videos/2756972867880764> (emphasis added)]

August 14...Tinos Marketis: CEO of Xpress Exterior Design

Within the video, Marketis as well as an Xpress representative stated:

*Just because we select one winner doesn't mean you can't get a roof next to nothing and I'm going to allow Mr. Roof to tell you how we could do that. Boom! It's not elf on a shelf, it's goof for the roof, you know, all you got to do is call enter to get a free roof. **If you're not a winner you're going to be one because we're going to come out and inspect and help you get one through your insurance. Give me the deductible, and we'll hook it up.** Xpress Exterior Design LLC*

September 15 at 5:05 AM ·

Xpress Exterior Design has assisted in getting homeowners qualified for a roof replacement for just the cost of their insurance deductible!

Schedule a free inspection with our Certified Product & Estimating Specialist's and we will work with your insurance carrier every step of the way.

27. The Administration concluded that Zacot is the Xpress representative featured in a July 14 Facebook post by Xpress, referenced in the above paragraph, wherein he stated:

*"And when you talked to the insurance company, did they give you any kind of trouble with filing your claim or was it smooth sailing with that as well..."*

28. The Administration contends that the foregoing facts amount to violations of the Maryland Insurance Article. Specifically, the Administration contends that:

- a. Xpress Exterior Design, LLC has acted as a public adjuster in the State without a license in violation of §§ 10-403, 4-205 and 27-405;

- b. Xpress Exterior Design, LLC has published and placed before the public representations and statement about the business of insurance that are untrue, deceptive, and misleading in violation of § 27-203; and
- c. Respondent Joseph Zacot engaged in insurance fraud when he purposely damaged shingles on the roof of a home insured by Travelers, in his efforts to support a storm damage claim in violation of § 27-403(2) and § 27-405(a)(1).

29. Respondents dispute the Administration’s findings and conclusions of law contained in the initial Order, but wish to resolve these matters amicably through this Consent Order. Administrative fines shall be made payable to the Maryland Insurance Administration and shall identify the case by numbers (MIA-2021-02-026 & 027) and names (Xpress Exterior Design, LLC and Joseph Zacot). Payment of the administrative fine shall be sent to the attention of: Associate Commissioner, Insurance Fraud Division, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202. Unpaid fines will be referred to the Central Collections Unit for collection.

30. The parties acknowledge and agree that this Order resolves the factual allegations in the Initial Order and this Consent Order with respect to Respondents. Accordingly, execution of this Order concludes the investigation of Respondents with respect to the allegations and findings made in the Initial Order and this Consent Order.

31. This Consent Order will supersede the Initial Order issued on February 17, 2021.

Order

WHEREFORE, for the reasons set forth above, it is this 21<sup>st</sup> day of 2021,  
2021,

**ORDERED** by the Commissioner and consented to by Respondents, that:

A. For the violations stated herein, the Administration hereby imposes an administrative penalty on Respondents jointly and severally in the amount of \$8,000. The administrative penalty shall be paid as follows:

i. \$1,600.00 paid by Respondents to the Administration along with the submission of the executed Consent Order;

ii. \$1,600.00 due by August 1, 2021;

iii. \$1,600.00 due by September 1, 2021;

iv. \$1,600.00 due by October 1, 2021; and

v. \$1,600.00 due by November 1, 2021.

B. Xpress Exterior Design, LLC will, without admission of wrongdoing and in exchange for an executed Settlement Agreement and Full Release, pay restitution to Travelers in the amount of \$2,948.68 in one lump sum within 30 days of the entry of the Consent Order. Notification of payment to Travelers shall be made in writing to the Associate Commissioner, Insurance Fraud & Enforcement Division, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202. Such notification shall include a copy of the money order or cancelled check issued to Travelers as proof of reimbursement and identify the case number (T-20-0184) (R-2020-0723A) and Respondents' names (Xpress Exterior Design, LLC) or (Joseph Zacot).

C. Failure to pay as outlined in paragraph A constitutes a default and Notice of Default is hereby waived by Respondents. Failure to make a monthly installment payment will result in the entire balance becoming immediately due and payable and the matter will be referred to the Central Collections Unit of the Department of Budget and Management for collection.

The executed Consent Order and initial payment shall be sent to the attention of: Maryland Insurance Administration, Steve Wright, Associate Commissioner, Insurance Fraud & Enforcement Division, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202 and shall identify the case by number (MIA-2021-026 and 027) and name (Xpress Exterior Design, LLC and Joseph Zacot).

D. Within 30 days of the date of this Consent Order, Respondents shall confirm in a letter to the Commissioner that it has discontinued all business activities in the State of Maryland that fall within the scope of activities defined in § 10-401.

E. Respondents agree that they will not act as a public adjuster without first obtaining a license. Respondents shall confirm in a letter to the Administration that Respondents do not hold themselves out as a person or entity qualified to act on behalf of Maryland policyholders in the evaluation, appraisal, estimation or negotiation of the cost to repair damages covered by a policy of insurance and, in that regard, each shall immediately amend/modify its respective advertisements, including Facebook pages and websites to

remove any reference to the performance of any activities that fall within the scope of the activities described in § 10-401 in Maryland.

- F. The parties acknowledge that this Order contains the entire agreement between the parties relating to the administrative actions addressed herein and that this Order resolves all matters relating to the assertions and agreements contained herein. All time frames set forth in this Order may be amended or modified only by subsequent written agreement of the parties.
- G. Respondents had the opportunity to have this Order reviewed by legal counsel of their choosing, and they are aware of the benefits gained and obligations incurred by the execution of this Order. Respondents waive any and all rights to any hearing or judicial review of this Order to which it would otherwise be entitled under the Insurance Article with respect to any of the determinations made or actions ordered by this Order.
- H. For the purposes of the Administration and for any subsequent administrative or civil proceedings concerning Respondents, whether related or unrelated to the foregoing paragraphs, and with regard to requests for information about the Respondents made under the Maryland Public Information Act, or properly made by governmental agencies, this Order will be kept and maintained in the regular course of business by the Administration. For the purposes of the business of the Administration the records and publications of the Administration will reflect this Order.
- I. Nothing herein shall be deemed a waiver of the Commissioner's right to proceed in an administrative action or civil action to enforce the terms of this Order. Failure to fully comply with the terms of this Order may subject Respondents to further legal and/or administrative action.
- J. This Order shall go into effect upon signing by the Commissioner or her designee, and is a Final Order of the Commissioner under § 2-204 of the Insurance Article.

KATHLEEN A. BIRRANE INSURANCE  
COMMISSIONER

By: **signature on original**  
\_\_\_\_\_  
STEVE WRIGHT Associate  
Commissioner Insurance Fraud and  
Producer Enforcement Division

**RESPONDENTS' CONSENT**

RESPONDENT XPRESS EXTERIOR DESIGN, LLC hereby CONSENTS to the representations made in, and to the terms of, this Consent Order.

Name: Tinos Markelis

Signature: signature on original

Date: 07/12/2021

RESPONDENT JOSEPH ZACOT hereby CONSENTS to the representations made in, and to the terms of, this Consent Order.

Name: Joseph Zacot

Signature: signature on original

Date: 07/12/2021