

Owl Ventures, Ltd. Presidio Shopping Plaza, LCCL, Group, LLC

PO Box 2403, McAllen, Tx 78502

April 24, 2015

**Honorable Senator Juan 'Chuy' Hinojosa, Texas Senate, PO Box 12068,
Austin, Tx 78711**

**Honorable Representative R.D. "Bobby" Guerra, Texas State House-
District 41, PO Box 2910, Austin, Tx 78768**

Re: SB 1628 and HB 3646

Dear Senator Hinojosa and Representative Guerra:

I am writing to inform you of my opposition to SB 1628 and HB 3646, and request that you oppose these bills. If these bills are passed it could ruin small business owners and their properties.

The horrible hailstorm that occurred March 29, 2012, severely damaged my 41,000 square foot newly built retail building located in Northern McAllen on 10th Street which housed multiple tenants and their respective businesses. After this storm hit with hail that accumulated with 4 feet of hail on and around my building and grounds as well as 9 inches of rain. I filed my claim with the insurance company the next day and was informed an adjuster would be coming.

Hallmark Insurance was notified and an adjuster, Brush Country Claims showed up to view my damage some weeks later (around April 5,2012). He came without a ladder, no tape measure, and a pencil and pad from Hampton Inn where he was staying. His initial reaction was that there was no roof damage, no major damage to 22 air compressors on the roof, no damage to my lights, no sign damage, no water damage, and he didn't even enter a lot of the various suites. What damage that did occur to the air compressor's that were on the roof could be fixed by combing(straighting) out the damage wings with a knife or screw driver and they would be fine was the comment made by the Brush Country Claim's adjuster.

After that visit and numerous phone calls I acquired professional help from a contractor and he estimated the damages were underestimated on my claim by more than \$1,000,000 on the damages to my building, property, and signs. Finally, with this help we received partial payment on our air compressor's on the roof with a Proof of Loss Form dated June 18, 2012 for repair/replacement of property loss \$184,252.51 less deductible & recoverable depreciation to Net \$130,957.09. This wasn't even close to the damages my building suffered. My contractor met with this adjuster many times.

They sent an engineer to estimate the damage to my building, who also showed up without a ladder and he reviewed my building and property. After numerous request to obtain a copy of the insurance carrier's engineer report (which we never got). After numerous conversations between my contractor, Hallmark Insurance, and Brush Country Claims that my claim on my building damages would not be approved for repairs. That last thing I wanted was to hire a lawyer. I

just wanted to be compensated by my insurance carrier for the damage to my building that he insured and when my repairs were not approved I was forced to obtain counsel to try to recover compensation for my building's damages.

Finally, after hiring an attorney, filing a lawsuit and waiting for two and a half years from the hailstorm that damaged my building Hallmark Insurance agreed to pay for the damages to my building.


Hallmark Insurance, Brush Country Claims and their adjuster, the insurance engineer, tactics, denial of damage, ridiculous comments, delays, lack of sharing information or hiding that information caused me substantial outrage and concern. Myself and my various tenants had to go through a lengthy delay from the hail damage to final settlement as I did not have sufficient funds to cover the damages, and I am still having repairs made to my building that were a result of that damage.

If a small business owner has no recourse upon an insurance company that refuses, discounts, delays, and refuses the damages to an owner's building and property, but accepts all of the premiums paid by that business owner over the years. I am totally opposed to changing the law and making it more difficult for an individual to file a claim and then have to hire an attorney and file a lawsuit to receive a timely payment for the damages that occurred. Also, I had almost no interaction or communication with Hallmark Insurance, and they never came to view my damages to my building. Brush Country Claims was the main one to view my damages, other than an engineer the insurance company sent, and Brush Country Claims were the one we had to deal with on our claim of damages. I am against granting

immunity to the adjusters and not allowing individuals to file a lawsuit when their valid claims or not acknowledged.

I hope that you will represent the individuals that you are elected to represent by not passing the two bills mentioned here. There is no good time to weaken the rights of policyholders and increase the power of insurance companies that avoid paying valid claims.

Respectfully yours,



Kenneth L. Bookout,

Managing Member & Owner