

**LOUISIANA DEPARTMENT OF INSURANCE  
OFFICE OF INSURANCE FRAUD**

**CONSENT AGREEMENT**

**BE IT KNOWN**, on the date(s) herein below specified, came, and appeared:

**LOUISIANA DEPARTMENT OF INSURANCE (hereinafter "LDI")**  
through Deputy Commissioner of the Office of Insurance Fraud, Nathan Strebeck;

AND

**AMERICAN CLAIMS MANAGEMENT, INC.**  
through its attorney, Robert Bowling

1.

The Commissioner of Insurance is charged by law and vested with the authority to enforce the provisions of the Louisiana Insurance Code, Title 22:1 et seq., to regulate the insurance industry in all its phases.

2.

**AMERICAN CLAIMS MANAGEMENT, INC.** ("ACM") is a licensed adjusting agency in the State of Louisiana bearing LDI License No. 888654. ACM's license was issued on November 5, 2020.

3.

On January 1, 2012, ACM entered into a claims administration services agreement with Centauri Specialty Insurance Company ("Centauri"). Under the agreement, ACM agreed to provide claims administration services for Centauri customers; and had been authorized by Centauri to investigate, evaluate, and handle each reported Centauri claim according to applicable state law, the terms and conditions of the policy, and any written standards provided by Centauri. The agreement stated that ACM had the requisite licensure to act as a claims adjusting agency in Alabama, Louisiana, and Mississippi. However, during the service agreement period, ACM was not licensed by the LDI to act as a claims adjuster agency in Louisiana.

4.

Centauri provided the LDI with information showing ACM received 2,675 claims from Louisiana claimants between July 25, 2012, and November 5, 2020, when they were licensed to act as a claims adjuster agency in Louisiana.

5.

Of the 2,675 claims that were adjusted by ACM without a license, 211 claims were adjudicated by ACM personnel who failed to possess the requisite license in the State of Louisiana.

6.

The LDI is charging **AMERICAN CLAIMS MANAGEMENT, INC.** with violations of the Louisiana Insurance Code, Title 22:1 *et. seq.*, specifically to wit:

La. R.S. 22:1663 maintains in pertinent part:

**§ 1663. License required**

- A. A person shall not act or hold himself out as a claims adjuster in this state unless the person is licensed as a claims adjuster in accordance with this Part.
- B. A business entity acting as a claims adjuster is required to obtain a claims adjuster license. Application shall be made using the uniform business entity application. Before approving the application, the commissioner of insurance shall find that:
  - (1) The business entity has paid the fees set forth in R.S. 22:821.
  - (2) The business entity has designated a licensed adjuster responsible for the business entity's compliance with the insurance laws, rules, and regulations of this state.

La. R.S. 22:1671 maintains in pertinent part:

**§ 1671. License**

- E. A licensed claims adjuster shall be subject to R.S. 22:1961 *et seq.*, relative to unfair trade practices, and R.S. 22:1921 *et seq.*, relative to insurance fraud.

La. R.S. 22:1672 maintains in pertinent part:

**§ 1672. License denial, nonrenewal, or revocation**

- A. The commissioner of insurance may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a claims adjuster's license or may levy a fine not to exceed five hundred dollars for each violation up to ten thousand dollars aggregate for all violations in a calendar year, unless a fine is established by separate statute in this Title authorizing a greater penalty, or any combination of actions, for any one or more of the following causes:
  - (2) Violating the insurance laws or regulations of the United States, this state, or any other jurisdiction or a subpoena or order of the commissioner of insurance or of another state's insurance commissioner.
  - (7) Admitting to or committing fraud or unfair trade practices.

La. R.S. 22:1674.1 maintains in pertinent part:

**§ 1674.1 Standards of conduct; acknowledgement required**

A. The following standards of conduct shall be binding on all claims adjusters:

(19) An adjuster shall not permit an unlicensed employee or representative of the adjuster to conduct business for which a license is required pursuant to the provisions of this Part.

C. Violation of any provision of Subsection A of this Section shall be grounds for administrative action against the licensee. In addition to administrative action, a claims adjuster who violates the provisions in Subsection A of this Section shall be deemed to have committed an unfair trade practice pursuant to R.S. 22:1964, and the penalties contained in R.S. 22:1969 may be enforced by the commissioner.

La. R.S. 22:1964 maintains in pertinent part:

**§ 1964. Methods, acts, and practices which are defined as unfair or deceptive**

The following are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(12) Any violation of any prohibitory law of this state.

La. R.S. 22:1967 maintains in pertinent part:

**§1967. Power of commissioner of insurance**

The commissioner of insurance shall have power to examine and investigate the affairs of every person engaged in the business of insurance, including violations of R.S. 22:1902 et seq., in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by this Part.

La. R.S. 22:1968 maintains in pertinent part:

**§1968. Notice of hearing**

Whenever the commissioner shall have reason to believe that any person has been engaged or is engaging in this state in any unfair trade practice as defined in this Code, whether or not defined in this Part, the commissioner shall issue a notice of wrongful conduct to said person in accordance and compliance with R.S. 49:961 describing the unfair trade practice and citing the law which is deemed by the commissioner to be violated.

La. R.S. 22:1969 maintains in pertinent part:

**§1969. Violations, penalties**

A. If, after receiving the person's answer or response or if no answer or response is received within twenty days of receipt of mailing, faxing, or delivery of the notice, the commissioner shall determine that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice, the commissioner shall reduce his findings to writing and shall issue and cause to be served upon the person charged with the violation a copy of such findings and an order requiring such person to cease and desist from engaging in such method of competition, act, or practice and order any one or more of the following:

(1) Payment of a monetary penalty of not more than one thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of one hundred thousand dollars unless the person knew or reasonably should have known he was in violation of this Part, in which case the penalty shall be not more than twenty-five thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of five hundred thousand dollars in any six-month period.

(2) Suspension or revocation of the license of the person if he knew or reasonably should have known he was in violation of this Part.

7.

**American Claims Management, Inc.** neither admits nor denies that it has violated the statutes cited above. Any and all admissions made in this Consent Agreement are made solely for the purpose of resolving this specific matter with LDI and are not binding on American Claims Management, Inc. for any other purpose in a separate disciplinary or judicial proceeding.

8.

The **LDI** and **American Claims Management, Inc.** do hereby stipulate and agree to the following:

- A. **AMERICAN CLAIMS MANAGEMENT, INC.** acknowledges the **LDI's** charges against it are accurate and supported by evidence; has ceased and desisted from the acts or practices described herein; and that it will take proper measures to avoid further violations of La. R.S. 22:1, *et. seq.*, and any rules, regulations and/or guidance promulgated by the **LDI**, now and in the future.
- B. **AMERICAN CLAIMS MANAGEMENT, INC** agrees to pay THIRTY-FOUR THOUSAND FOUR HUNDRED & SEVENTY-FIVE DOLLARS (\$34,475.00) in the form of a check made payable to **LDI** within thirty (30) days after the effective date of this Consent Agreement.
- C. **AMERICAN CLAIMS MANAGEMENT, INC.** acknowledges that by entering into this Consent Agreement, it waives its appearance and any other rights it may have to an adjudicatory hearing in this matter.
- D. **AMERICAN CLAIMS MANAGEMENT, INC.** acknowledges that this Consent Agreement constitutes an administrative action and that it will be reported to the National Insurance Producer Registry by the **LDI**.
- E. **AMERICAN CLAIMS MANAGEMENT, INC.** acknowledges that it may need to report and disclose this administrative action to other states and/or agencies in which it holds active

licenses and/or authority and that it will contact that respective state's insurance department if it is unsure of their requirements.

- F. **AMERICAN CLAIMS MANAGEMENT, INC.** acknowledges that should it fail to comply with the terms of this Agreement, it will be in noncompliance and subject to any other regulatory action provided or authorized by applicable law.

This Consent Agreement shall take effect upon the latest of the two signature dates set forth below. This Consent Agreement may be executed in multiple copies, each of which shall be considered an original.

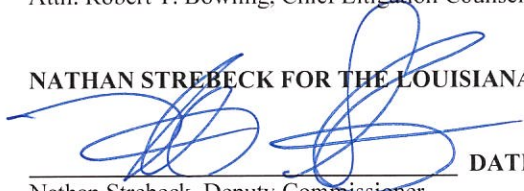
**AMERICAN CLAIMS MANAGEMENT, INC.**



DATE: December 5, 2023

Dhara Patel  
c/o Brown & Brown, Inc.  
300 N Beach St  
Daytona Beach, FL 32114-3304  
Attn: Robert T. Bowling, Chief Litigation Counsel

**NATHAN STREBECK FOR THE LOUISIANA DEPARTMENT OF INSURANCE**



DATE: 12/5/2023

Nathan Strebeck, Deputy Commissioner  
Office of Insurance Fraud  
Louisiana Department of Insurance  
1702 N. Third Street  
Baton Rouge, LA 70802