



## LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON  
COMMISSIONER

### NOTICE OF FINE

January 27, 2023

Avicon Services Express LLC  
Nora Avila  
2128 Kansas Ave  
Kenner, LA 70062

Article # **7020 1290 0001 0692 4546**

Avicon Services Express LLC  
Nora Avila  
3000 David Drive  
Metairie, LA 70003

Article # **7020 1290 0001 0692 4553**

Via Email: [navila22@gmail.com](mailto:navila22@gmail.com)

WHEREAS, IT HAS COME TO MY ATTENTION, as Commissioner of the Louisiana Department of Insurance (LDI), that Avicon Services Express LLC (Avicon) and Nora Avila have violated certain provisions of the Louisiana Insurance Code, Title 22, La. R. S. 22:1 *et. seq.* As used hereinafter, “you” and “your” refer to Avicon and its managing member of record, Nora Avila. Accordingly, pursuant to the power and authority vested in me as the Commissioner, I issue this Notice of Fine based on the following, to wit:

A complaint was received by the LDI that you, Nora Avila, through your business, Avicon, were advertising, facilitating the sale of, and accepting money for, insurance policies sold in Louisiana, while not being licensed by the LDI to do so as required by law. Embark General (Embark) examined claims filed between February 2022 and July 7, 2022, related to policies you were responsible for producing in Louisiana. Embark discovered that policyholders making the aforementioned claims had reported a Texas address on their policy application, despite the claimed loss having occurred in Louisiana, and all of the policy listed insureds residing in Louisiana. Furthermore, Embark identified five policyholders who purchased their policies through you in Louisiana, even though you have no Louisiana insurance license for yourself or Avicon. These insureds claimed you told them they needed a Texas address to purchase the policy you were selling.

You spoke with Blanca Aparicio, Embark SIU manager. In that conversation you admitted to not having a Louisiana insurance producer license, and not having a Louisiana licensed producer working for you at Avicon. You also indicated that at the time you were selling policies in Louisiana you had a business relationship with Texas licensed producer, Ahime Andrade, and her Texas based business, AA Multi-Services; and that when clients came to your office to purchase automobile insurance you put them in contact with AA Multiservice telephonically to complete the sale. Ms. Aparicio spoke to several individuals who obtained auto policies through you and Avicon. Those individuals claimed they only interacted with you for the purchase of their policy; and they denied ever speaking with anyone from AA Multi-Services. Ms. Aparicio spoke with Ms. Andrade and learned that she is in the title company business with you and does not have a Louisiana producer license.

In July 2022, a call was placed to you by an LDI employee who inquired about obtaining automobile insurance. You informed the caller that Texas insurance policies were less expensive than Louisiana policies; that it would be better to have a Texas license plate; that you had Texas addresses the caller could use in their policy application; and that you did not sell the policies directly, but through Texas insurance agencies who sell automobile insurance to Louisiana residents.

On November 15, 2022, the LDI sent you a Cease and Desist Order and Notice of Proposed Regulatory Action and Wrongful Conduct. You were ordered to submit a written explanation of why the commissioner should not assess a fine against you. You did not respond.

The Louisiana Insurance Code, Title 22, R.S. 22:1 et seq. at §2. states:

## **§ 2. Insurance regulated in the public interest**

(A)(1) Insurance is an industry affected with the public interest and it is the purpose of this Code to regulate that industry in all its phases. [I]t shall be the duty of the commissioner of insurance to administer the provisions of this Code.

Pursuant to La. R.S. 22:18, the Commissioner is authorized to order any, insurer, person, or entity to cease and desist any such action that violates any provision of the Louisiana Insurance Code as listed in Title 22 of the Louisiana Revised Statutes. These actions are designed to assist the Commissioner in administering the provisions of the Insurance Code.

## **§18. Suspension or revocation of insurer's licenses; fines; orders**

A. The commissioner of insurance may, as a penalty, in accordance with R.S. 49:977.3, refuse to renew, or may suspend, or revoke the certificate of authority or license of an insurer, person, or entity violating any of the provisions of this Code, or in lieu of suspension or revocation of a certificate or license duly issued, the commissioner may levy a fine not to exceed one thousand dollars for each violation per insurer, person, or entity, up to one hundred thousand dollars aggregate for all violations in a calendar year per insurer, person, or entity, when such violations warrant the refusal, suspension, or revocation of such certificate or license, or the imposition of the fine. The commissioner is also authorized to order any insurer, person, or entity to cease and desist any such action that violates any provision of this code.

La. R.S. 22:1543 maintains in pertinent part:

## **§ 1543. License required**

- A. No person shall act as or hold himself out to be an insurance producer unless licensed by the Department of Insurance.
- B. No insurance producer shall sell, solicit, make an application for, procure, negotiate for, or place for others, any policies for any lines of insurance as to which he is not then qualified and duly licensed in this state.

La. R.S. 22:1546 maintains in pertinent part:

**§ 1546. Application for license**

B. (1)(a) A business entity acting as an insurance producer shall obtain an insurance producer license.

La. R.S. 22:1562 maintains in pertinent part:

**§ 1562. Prohibited acts**

C. (1) It shall be unlawful for any person or business entity, without conforming to the Provisions of the Part, directly or indirectly, to represent himself or itself to be an insurance producer or limited lines producer, or to solicit, negotiate, or effect any contract of insurance or renewal thereof, or to attempt to effect the same on any property, or risk or insurable interests or business activities, located within or transacted within this state.

La. R.S. 22:1923 maintains in pertinent part:

**§ 1923 Definitions**

(2) "Fraudulent insurance act" shall include but not be limited to acts or omissions committed by any person who, knowingly and with intent to defraud:

(a) Presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, reinsurer, purported insurer or reinsurer, producer, or any agent thereof, any oral or written statement which he knows to contain materially false information as part of, or in support of, or denial of, or concerning any fact material to or conceals any information concerning any fact material to the following:

(i) An application for the issuance of any insurance policy.

La. R.S. 22:1924 maintains in pertinent part:

**§ 1924 Prohibited activities and sanctions**

A. (1) (a) Any person who, with the intent to injure, defraud, or deceive any insurance company, or the Department of Insurance, or any insured or other party in interest, or any third-party claimant commits any of the acts specified in Paragraph (2) or (3) of this Subsection is guilty of a felony and shall be subjected to a term of imprisonment, with or without hard labor, not to exceed five years, or a fine not to exceed five thousand dollars, or both, on each count.

(b) In addition to the criminal penalties provided in Subparagraph (a) of this Paragraph, the defendant shall make payment of restitution to the victim or victim company of any insurance payments to the defendant that the court determines were not owed and the costs incurred by the victim or victim company associated with the evaluation and defense of the fraudulent

claim, including but not limited to the investigative costs, attorney fees, and court costs. However, if the amount of the benefit that is the subject of the criminal act does not exceed one thousand dollars, the term of imprisonment shall not exceed six months, and any fine shall not exceed one thousand dollars on each count.

(2) The following acts shall be punishable as provided in Paragraph (1) of this Subsection:

(a) Committing any fraudulent insurance act as defined in R.S. 22:1923.

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.

(13) Fraudulent insurance act. A fraudulent insurance act is one committed by a person who knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, producer, or any agent thereof, any written statement as part of, or in support of, or in opposition to an application for the issuance of, or the rating of an insurance policy for commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which he knows to contain materially false information concerning any fact material thereto; or conceal for the purpose of misleading information concerning any fact material thereto.

The Louisiana Insurance Code, Title 22, La. R.S. 22:1 et seq., authorizes the Commissioner to investigate the affairs and professional conduct of every person engaged in the business of insurance to determine whether such person has been or is engaged in any unfair or deceptive act or practice prohibited by the Louisiana Insurance Code. It has been determined that you, Nora Avila and Avicon have violated of the Louisiana Insurance Code as listed above.

**VIOLATIONS:**

Your acting and/or holding yourself out as an insurance producer in this state, and your solicitation, negotiation, and creation of insurance policy applications for the sale of insurance in Louisiana, without a Louisiana insurance producer's license for either yourself or Avicon, is a violation of La. R.S. 22:1543(A) and (B), La. R.S. 22:1546(B)(1)(a), La. R.S. 22:1562(C)(1), and La. R.S. 22:1964(12). Your conspiring with former Texas licensed agent, Ahime Andrade, to commit insurance fraud by encouraging your customers to obtain cheaper auto policies using fraudulent Texas addresses and fictitiously claiming to be Texas residents, is a violation of La. R.S. 22:1924(A)(2)(a) as defined by La. R.S. 22:1923(2)(a)(i), and La. R.S. 22:1964(12) and (13).

**BE ADVISED:**

**COMMISSIONER'S ACTION:**

As a result of the LDI's investigation, documentation in LDI's possession, and in accordance with La. R.S. 22:18, La. R.S. 22:1543, and La. R.S. 49:977.3, it has been determined that you are in violation of Louisiana insurance laws and regulations and the Louisiana Commissioner of Insurance hereby imposes upon you, **Nora Avila**, and **Avicon Services Express LLC**, a **JOINT FINE** in the amount of **\$5,000.00**, and you are hereby ordered to pay the full amount immediately.

**YOUR ACTION:**

Be advised that this constitutes an administrative action and that it will be reported to the National Insurance Producer Registry (NIPR). Be further advised that all actions taken on licenses, in accordance with La. R.S. 49:977.3 and Regulation 120, shall take effect (10) calendar days from the date of issuance of the notice of regulatory action, unless otherwise provided in Title 22, and that cease & desist orders and summary suspension actions take effect immediately upon issuance. Please also take note that you may need to report this administrative action to other states in which you hold an active license. Contact that state's insurance department if you are unsure of the requirements.

Please remit your **\$5,000.00** fine payment and a copy of this notice to:

Louisiana Department of Insurance  
Attention: Accounts Receivable  
P.O. Box 94214  
Baton Rouge, LA 70804-9214

Pursuant to La. R.S. 22:2191(A)(2), any person aggrieved by an act of the Commissioner may request a hearing. You must make a written demand for an appeal within thirty (30) days from the date of this notice. Failure to file a written demand for an appeal within thirty (30) days from this notice will preclude your right to an administrative hearing.

Pursuant to La. R.S. 22:2191(B), your written demand for an appeal (1) shall reference the particular sections of the statutes and rules involved; (2) shall provide a short and plain statement of the matters asserted for review; and (3) shall attach a copy of the order or decision that you are appealing. Appealing this notice does not stay the action of the Commissioner of Insurance. Pursuant to La. R.S. 22:2204, you must request and be granted a stay of this action by the Division of Administrative Law. Your request for a stay may be included in your appeal. Your written demand for an appeal shall be filed with the Louisiana Department of Insurance at the addresses below.

Louisiana Department of Insurance  
Attn: J. David Caldwell, Executive Counsel  
P.O. Box 94214  
Baton Rouge, LA 70804-9214

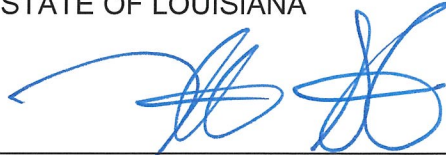
Telephone: (225) 342-4673  
Fax: (225) 342-1632

File in Person at:

1702 N. Third Street  
Baton Rouge, LA 70802

Signed in Baton Rouge, Louisiana this 27<sup>th</sup> day of January 2023.

JAMES J. DONELON  
COMMISSIONER OF INSURANCE  
STATE OF LOUISIANA



BY:

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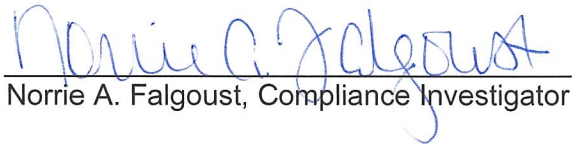
Nathan Strebeck  
Deputy Commissioner  
Office of Insurance Fraud  
Louisiana Department of Insurance  
Telephone: (225) 219-5819

**CERTIFICATE OF SERVICE**

Article # **7020 1290 0001 0692 4546**

Article # **7020 1290 0001 0692 4553**

I hereby certify that I have this day served the foregoing document upon **Nora Avila** and **Avicon Services Express LLC** by mailing a copy thereof properly addressed with postage prepaid, this 27<sup>th</sup> day of January 2023.

  
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Norrie A. Falgoust, Compliance Investigator