



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

CEASE AND DESIST ORDER
AND
SUMMARY SUSPENSION
PUBLIC ADJUSTER LICENSE #909689
PUBLIC ADJUSTER LICENSE #874570

July 22, 2022

Attn: Kade Austen Mitchell
Mitchell Adjusting International, LLC
1500 Marina Bay Drive, Bldg. 122A
Kemah, TX 77565

Article No. 7020 3160 0000 1369 0118

Attn: Kade Austen Mitchell
Mitchell Adjusting International, LLC
2511-B Nasa Parkway, Ste. A-106
Seabrook, TX 77565

Article No. 7020 3160 0000 1369 0125

Kade Austen Mitchell
1500 Marina Bay Drive, No. 3475
Clear Lake Shores, TX 77565

Article No. 7020 3160 0000 1369 0132

Email: kade@mitchelladjusting.com
billing@mitchelladjusting.com

WHEREAS, IT HAS COME TO MY ATTENTION, as Commissioner of Insurance (Commissioner) of the Louisiana Department of Insurance (LDI), that Kade Austen Mitchell and Mitchell Adjusting International, LLC 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 both Kade Austen Mitchell and Mitchell Adjusting International, LLC. Your activity violates Title 22 and poses a danger to the insurance buying public in Louisiana. Accordingly, pursuant to the power and authority vested in me as the Commissioner, I issue this Cease and Desist Order and Notice of Summary Suspension based on the following, to wit:

FACTS

Kade Austen Mitchell (License Number 909689) was initially licensed on December 10, 2020 as a non-resident public adjuster by the LDI, and Mitchell Adjusting International (License Number 874570), LLC was initially licensed on September 21, 2020 as non-resident public adjuster with the

LDI. Kade Austen Mitchell is listed as the designated responsible party for Mitchell Adjusting International, LLC in LDI's records. Both currently maintain active licenses.

The LDI received a copy of a document titled "NOTICE/AUTHORIZATION TO INSURANCE COMPANY" executed by Mitchell Adjusting International, LLC and, Louisiana insured New Hope Baptist Church, located at 1807 Reverend John Raphael Jr Way, New Orleans, LA, indicating that Mitchell Adjusting International, LLC will act as a public adjuster for Nationwide Claim #02055247.

The LDI received information and documentation indicating that Nationwide issued two checks on March 16, 2022 totaling \$150,000.00. These checks were made payable to New Hope Baptist Church, Fidelity Bank, and Mitchell Adjusting International, LLC. The checks were endorsed by all three parties. Representatives from New Hope Baptist Church have indicated that they did not endorse the checks in question. Nationwide filed a Declaration of Unauthorized Endorsement or Altered Item with Chase Bank indicating that Nationwide became aware of the unauthorized endorsement on May 13, 2022, and that the check was cashed before that date. New Hope Baptist Church has also indicated that they have not received any funds from Mitchell Adjusting International, LLC.

The LDI received a copy of a document titled "NOTICE/AUTHORIZATION TO INSURANCE COMPANY" executed by Mitchell Adjusting International, LLC and, Louisiana insured Joyce Hogan indicating that Mitchell Adjusting International, LLC will act as a public adjuster for State Farm Claim #18-24C4-75D. The insured's residence is located at 241 Down The Bayou Rd, Des Allemands, LA.

The LDI received information and documentation indicating that State Farm issued a check on January 28, 2022 in the amount of \$117,441.43. This check was made payable to Joycelyn A. Hogan, Wells Fargo Bank NA, and Mitchell Adjusting International, LLC. Ms. Hogan indicated that she endorsed the check and forwarded it to Mitchell Adjusting International, LLC. According to State Farm Claims records, the check was cashed on February 11, 2022. Ms. Hogan has indicated that she has not received any funds from Mitchell Adjusting International, LLC.

LAW

La. R. S. 22:2 maintains in pertinent part:

§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.... It 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. Pursuant to La. R.S. 22:1691 et seq., the Commissioner is authorized to take certain regulatory actions against any person who is ...charged with a violation of this Part of the Louisiana Insurance Code as listed in Chapter 5, Producers and Other Regulated Entities Part VI. Public Adjusters. These actions are designed to assist the Commissioner in administering the provisions of the Insurance Code.

Based on the foregoing you are in violation of the below listed statutes of the Louisiana Insurance Code.

La. R.S. 22:1700 maintains in pertinent part:

§ 1700. License denial, nonrenewal, or revocation

A. The commissioner of insurance may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate a public adjuster's license and may levy a fine not to exceed five hundred dollars for each violation occurring, 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 any insurance laws, or violating any regulation, subpoena, or order of the commissioner of insurance or of another state's insurance commissioner.

(4) Improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

§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:

(m) Receives money or any other thing of value from any person, firm, or entity as a means of compensation for the acts of solicitation or criminal conspiracy done for the purpose of executing a scheme or artifice to defraud a person.

§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.

(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.

VIOLATIONS:

It has been determined that you have improperly withheld, misappropriated, or converted monies received in the course of doing insurance business. This is a violation of La R.S. 22:1700(A)(2) and (4) and La. R.S. 22:1924(A)(1)(a) and (2)(a) as defined in La. R.S. 22:1923 (2).

BE ADVISED:

COMMISSIONER'S ACTION:

As a result of the investigation and documentation in possession of the LDI, and in accordance with La. R.S. 22:1700(A), it has been determined that you are in violation of the statutes listed above, and the Louisiana Commissioner of Insurance hereby orders you, **Kade Austen Mitchell, and Mitchell International Adjusting, LLC**, to **CEASE AND DESIST** from conducting the business of insurance, and Louisiana **Public Adjuster License Number 909689** and **Louisiana Public Adjuster License Number 874570** are hereby **SUSPENDED** effective immediately.

YOUR ACTION:

Be advised that this constitutes an administrative action and that it will be reported to the National Insurance Producer Registry. 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.

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. 49:961 (C) and Regulation 120, shall take effect ten (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.

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 of 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 22nd day of July 2022.

JAMES J. DONELON
COMMISSIONER OF INSURANCE
STATE OF LOUISIANA

BY:




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

Kade Austen Mitchell (License #909689)
and Mitchell Adjusting International, LLC (License #874570)
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CERTIFICATE OF SERVICE

Article No. 7020 3160 0000 1369 0118
Article No. 7020 3160 0000 1369 0125
Article No. 7020 3160 0000 1369 0132

I hereby certify that I have this day served the foregoing document upon Kade Austen Mitchell and Mitchell Adjusting international, LLC by mailing a copy thereof properly addressed with postage prepaid, this 22nd day of July 2022.



Heath Soileau, Compliance Investigator