

LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

CEASE AND DESIST ORDER
NOTICE OF REVOCATION AND FINE
LICENSE #290752

September 10, 2020

Tasey Ann Tolliver-Alexander
Vincent Alexander Insurance Agency, Inc.
345 West Mills Avenue
Breaux Bridge, LA 70517

Article No.: 7019 2280 0001 1504 3102

Tasey Ann Tolliver-Alexander
P.O. Box 94
Cecilia, LA 70521

Article No.: 7019 2280 0001 1504 3119

Ernest L. Jones, Esquire
Elie, Jones & Associates
2317 Canal Street
New Orleans, LA 70125

Email: ejlaw@bellsouth.net

WHEREAS, IT HAS COME TO MY ATTENTION, as Commissioner of Insurance, (Commissioner) of the Louisiana Department of Insurance (LDI), that Tasey Ann Tolliver-Alexander has violated certain provisions of the Louisiana Insurance Code, Title 22, La. R.S. 11:1 *et seq.* As used hereinafter, "you" and "your" refer to Tasey Ann Tolliver-Alexander. Accordingly, pursuant to the power and authority vested in me as the Commissioner, issue this Cease and Desist Order and Notice of Revocation and Fine based on the following, to wit:

According to the records of the Louisiana Department of Insurance ("LDI"), you are an insurance producer (License #290752) with a license issued July 24, 2002. Your license was issued under the name of Tasey Ann Tolliver, and since then your marital status has changed and your surname is Tolliver-Alexander. The LDI issued a Notice of Regulatory Action, dated December 10, 2019, suspending your license because of an electronic payment to renew your license that was returned as an insufficient fund or no-fund check (NSF) submitted to the LDI. You were advised of your suspension status due to the failure to make proper payment in the Notice of Proposed Regulatory Action and Wrongful Conduct (Revised), dated May 15, 2020.

During the investigation of a consumer complaint filed by Kendall Lewis, the LDI reviewed documentation regarding Progressive Auto Policy Number 926113108, underwritten by Progressive Security Insurance Company. Documentation indicates that you placed this policy on behalf of Vince Alexander, dba Vince Alexander Insurance Agency, Inc. Kendall Lewis filed a claim against his vehicle insurance policy due to an incident that occurred on April 25, 2019, which

was denied due to there being no policy in force on the date of the accident, as the policy had been cancelled for non-payment of premium. However, Kendall Lewis produced Vincent Alexander Insurance Agency, Inc. receipts numbered: 14777, 14805, 14819, and 14830, for premiums paid during the period of January 2019 through May 2019. The receipts appear to have your signature. According to correspondence from the Progressive Claims Department, dated April 29, 2019, and June 18, 2019, Mr. Lewis's policy was started on December 7, 2018 and cancelled on January 22, 2019 due to nonpayment of premiums. Only one payment was received by Progressive in the amount of \$224.00 on December 7, 2018; however, Mr. Lewis produced proof of payment of premiums through May 2019 as stated above.

Correspondence from Vincent Alexander, dated February 28, 2020, indicates that you were the agent for the placement and servicing of the Kendal Lewis account, and he, as your employer and owner of the Vincent Alexander Insurance Agency, Inc., had no knowledge of this matter until issuance of the LDI Notice of Proposed Regulatory Action upon Vincent Alexander, dated February 19, 2020 via certified mail. You did not disclose our inquiry letters to him dated June 1, 2019; July 8, 2019; and July 19, 2019 – which were found inside your office desk. As a result of his failure to respond to those LDI inquiries, a Notice of Fine in the amount of \$250.00, dated August 8, 2019, was imposed against him. Mr. Alexander provided to the LDI a copy of the Receipt and Release, dated October 24, 2019, wherein the policyholder, Kendal Lewis, was paid \$1,775.50 as a settlement by your employer, the Vincent Alexander Insurance Agency, Inc.

The LDI issued a Notice of Proposed Regulatory Action and Wrongful Conduct, dated April 9, 2020. You provided a response dated April 24, 2020, and your Attorney, Ernest Jones, Esquire, provided a supplemental response dated May 8, 2020. The LDI issued a Notice of Proposed Regulatory Action and Wrongful Conduct (Revised), dated May 15, 2020, and your attorney submitted correspondence, dated June 15, 2020. You maintain that this was an isolated incident of oversight resulting from an overwhelming workload. "Contrary to Agency policy, . . . [You] accepted a cash payment from Mr. Lewis and neglected to put it in the regular system of premium payments." However, the LDI notes that this deviation from agency policy occurred on at least 4 occasions regarding Mr. Lewis's monthly insurance premium cash payments. You also advised that the agency has instituted various measures to prevent this type of violation in the future, including: 1) requiring all producers to participate in state sponsored Errors and Omissions Loss Control Seminar annually, 2) strict enforcement of the "no cash" payment policy, 3) a single mandatory journal to record client premium payments and disbursements to companies, and 4) separation of responsibilities for payment acceptances and disbursement to companies.

Louisiana Insurance Code, Title 22, R.S. 22:1 et seq. maintains:

§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 the industry in all its phases. [...] It shall be the duty of the commissioner of insurance to administer the provisions of this Code.

La. R.S. 22:18 maintains in pertinent part:

§ 18. Suspension or revocation of insurers' licenses; fines; orders

- A. The commissioner of insurance may, as a penalty, in accordance with R.S. 49:961, refuse to renew, or may suspend, or revoke the certificate of authority or license of any 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.

§ 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.

La. R.S. 22:1554 maintains in pertinent part:

§ 1554. License denial, nonrenewal, or revocation

- A. The commissioner may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate an insurance producer license, or 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 per applicant or licensee, or any combination of actions for any one or more of the following causes:

(3) The failure to account for or remit any premiums, monies, or properties belonging to another which come into the possession of the applicant in the course of doing insurance business, or improperly withholding, misappropriating, converting, or failing to timely remit any premiums, monies, or properties received in the course of doing insurance business, whether such premiums, monies, or properties belonging to policyholders, insurers, beneficiaries, claimants, or others.

(4) Using fraudulent, coercive, or dishonest practices or misrepresentation, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business such as might endanger the public.

(6) Having admitted or been found to have committed any insurance unfair trade practice under R.S. 22:1961 et seq. or fraud under R.S. 1964 et seq.

(14) The violation of any insurance laws of the United States, this state or any state, province, district, or territory, or violating any lawful rule, regulation, subpoena, or order of the commissioner of insurance or of the insurance officials of another state.

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

§ 1562. Prohibited acts

D. (2) No person licensed as, or representing himself to be, an insurance producer shall fail to account for or remit any premiums, monies, or properties belonging to another which come into the possession of the applicant in the course of doing insurance business, or improperly withholding, misappropriating, converting, or failing to timely remit any premiums, monies, or properties received in the course of doing insurance business whether such premiums, monies, or properties belong to policyholders, insurers, beneficiaries, claimants, or others.

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

VIOLATIONS:

Your conduct of the business of insurance in the State of Louisiana without proper licensing constitutes a violation of La. R.S. 1543(A) and La. R.S. 1554(A)(4). Your failure to remit premiums and/or monies paid by Kendall Lewis for his vehicle insurance policy in the conduct of insurance business as a producer constituted violations of La. R.S. 22:1554(A)(3),(4),(6), and (14); La. R.S. 22:1562(D)(2); and La. R.S. 22:1964(12).

BE ADVISED:

COMMISSIONER'S ACTION:

CEASE AND DESIST ORDER

In accordance with La. R.S. 22:18, **Tasey Ann Tolliver - Alexander (License #290752)** is hereby ordered to **CEASE AND DESIST** from conducting the business of insurance in the State of Louisiana.

Any violation of the cease and desist order or other violations of the Louisiana Insurance Code may result in further regulatory action.

REVOCATION ORDER AND FINE

As a result of the investigation and documentation in hand, the Louisiana Commissioner of Insurance, in accordance with La. R.S. 22:1554, La. R.S. 22:1969 and La. R.S. 49:961, hereby serves you that Louisiana **Producer License Number 290752** issued to **Tasey Ann Tolliver-Alexander** is hereby **REVOKED**, effective thirty (30) days from issuance of this notice. Additionally, due to the violations of the Louisiana Insurance Code, you are hereby **FINED five hundred dollars (\$500.00)**, and you are ordered to pay the full amount immediately.

YOUR ACTION:

Please remit your \$500.00 fine payment and a copy of this notice to:

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

NOTICE OF APPEAL:

Be advised that the Cease and Desist Order 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 this or other states in which you hold an active license. Contact that state's regulatory department if you are unsure of their requirements.

Be advised that this Revocation Order and Fine 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 their 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 from the date 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 address below:

File Via Mail:
Louisiana Department of Insurance
Attn: Liz Butler, Executive Counsel

File in Person:
1702 N. Third Street
Baton Rouge, LA 70802

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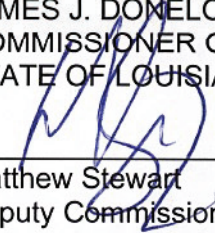
P. O. Box 94214
Baton Rouge, LA 70804-9214

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

Signed in Baton Rouge, Louisiana this 10th day of September 2020.

JAMES J. DOMELON
COMMISSIONER OF INSURANCE
STATE OF LOUISIANA

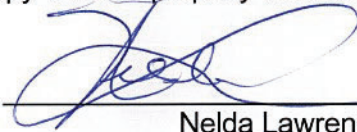
BY: _____


Matthew Stewart
Deputy Commissioner
Divisions of Fraud & Enforcement
Louisiana Department of Insurance
Telephone: (225) 219-5819

CERTIFICATE OF SERVICE

Article No.: 7019 2280 0001 1504 3102

I hereby certify that I have this day served the foregoing document on Tasey Ann Tolliver-Alexander by mailing a copy thereof properly addressed with postage prepaid, this 10th day of September 2020.



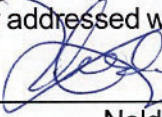
Nelda Lawrence

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September 10, 2020
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CERTIFICATE OF SERVICE

Article No.: 7019 2280 0001 1504 3119

I hereby certify that I have this day served the foregoing document on Tasey Ann Tolliver-Alexander by mailing a copy thereof properly addressed with postage prepaid, this 10th day of September 2020.



Nelda Lawrence