

IN THE MATTER OF THE
MARYLAND INSURANCE
ADMINISTRATION

v.

TIANA RASHUAN ROBINSON
8504 Woodyard Road
Clinton, MD, 20735

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BEFORE THE MARYLAND
INSURANCE COMMISSIONER

CASE NO. : MIA-2016-06-038
Fraud Division File No.: R-2016-2963A

ORDER

This Order is entered by the Maryland Insurance Administration (“MIA”) against Tiana Rashuan Robinson (“Respondent”) pursuant to §§ 2-108, 2-201, 2-204 and 2-405 of the Insurance Article, Md. Code Ann. (2011 Repl. Vol. & Supp.)(“Insurance Article”).

I. Facts

1. Respondent obtained an automobile insurance policy from Maryland Automobile Insurance Fund (“MAIF”), an authorized insurer, for her 2012 Nissan. The policy went into effect on June 18, 2015 at 6:34 p.m. At that time, coverage was limited to liability only; however, on June 29, 2015, Respondent added comprehensive and collision coverage.

2. On July 7, 2015, Respondent notified MAIF that while operating her Nissan in Fort Washington, Maryland, she lost control and struck a guardrail, causing front end damage. MAIF assigned claim number V099897.

3. On July 9, 2015, a MAIF damage appraiser inspected Respondent’s Nissan, completed a repair estimate, and took photographs of the damages. Subsequently, MAIF paid \$6,219.00 to repair her vehicle.

4. On August 28, 2015, a representative for a roofing company notified MAIF that on June 18, 2015, at approximately 5:45 p.m., Respondent rear-ended one of its company vehicles in Camp Springs, Maryland. MAIF assigned claim number V102420.

5. During MAIF's handling of claim V102420, an adjuster noted that, "most likely" the damages that occurred on June 18, 2015 are the same as those reported in the July 7, 2015 loss. Further, Respondent obtained her policy on June 18, 2015 at 6:34 p.m., and the loss occurred on the same date at approximately 5:45 p.m. Both claims were referred to MAIF's Special Investigative Unit ("SIU") for further investigation.

6. On December 31, 2015, the roofing company's owner provided MAIF with photographs taken by the employee who had been involved in the June 18, 2015 accident with Respondent. MAIF compared the aforementioned photographs with those taken by its damage adjuster on July 9, 2015, and concluded the damages were the same.

7. On January 7, 2016, MAIF sent Respondent a letter denying claim V102420, as its investigation revealed the policy was bound on June 18, 2015 at 6:34 p.m., after the loss occurred.

8. On January 7 and April 5, 2016, MAIF sent Respondent letters demanding restitution in the amount of \$6,219.00, citing that payment was made to Respondent based upon her representation that the loss occurred on July 7, 2015, as opposed to June 18, 2015, prior to coverage.

9. On April 11, 2016, Respondent called MAIF and verbally agreed to reimburse MAIF \$50.00 per month until the balance of \$6,219.00 was paid in full; however, to date, she has not made any payments.

10. Section 27-802(a)(1) of the Maryland Insurance Article states:

“An authorized insurer, its employees, fund producers, insurance producers, ... who in good faith has cause to believe that insurance fraud has been or is being committed shall report the suspected insurance fraud in writing to the Commissioner, the Fraud Division, or the appropriate federal, State or local law enforcement authorities.”

MAIF, having a good faith belief that Respondent committed insurance fraud, referred the matter to the Maryland Insurance Administration (MIA), Fraud Division.

11. In the course of its investigation, the MIA contacted MAIF and confirmed its handling of Respondent's insurance claim.

12. On May 19, 2016, a MIA investigator interviewed the roofing company employee involved in the June 18, 2015 accident with Respondent. He stated that at approximately 5:45 p.m., Respondent was operating a Nissan when she rear-ended the truck he was operating. Following the accident, he took photographs of the damage to both vehicles and submitted them to his employer.

13. On May 20, 2016, a MIA investigator compared the photographs taken following the June 18, 2015 accident with those taken by MAIF on July 9, 2015, and concluded the damage to Respondent's Nissan were identical..

II. Violation(s)

14. In addition to all relevant sections of the Insurance Article, the Administration relies on the following pertinent sections in finding that the Respondent violated Maryland's insurance laws.

15. **§ 27-403(2)**

It is a fraudulent insurance act for a person:

(2) to present or cause to be presented to insurer documentation or an oral or written statement made in support of a claim...with knowledge that the documentation or statement contains false or misleading information about a matter material to the claim.

16. § 27-408(c)

(1) In addition to any criminal penalties that may be imposed under this section, on a showing by clear and convincing evidence that a violation of this subtitle has occurred, the Commissioner may:

(i) impose an administrative penalty not exceeding \$25,000 for each act of insurance fraud; and

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(2) In determining the amount of an administrative penalty, the Commissioner shall consider:

- (i) the nature, circumstances, extent, gravity, and number of violations;
- (ii) the degree of culpability of the violator;
- (iii) prior offenses and repeated violations of the violator; and
- (iv) any other matter that the Commissioner considers appropriate and relevant.

17. By the conduct described herein, Respondent knowingly violated §27-403. Respondent committed a violation of the Insurance Article when she made a false statement to MAIF. As such, Respondent is subject to an administrative penalty under Insurance Article § 27-408(c).

III. Sanctions

18. Insurance fraud is a serious violation which harms consumers in that the losses suffered by insurance companies are passed on to consumers in the form of higher premiums. The Commissioner may investigate any complaint that alleges a fraudulent claim has been submitted to an insurer. Insurance Article §§ 2-201(d) (1) and 2-405.

19. Having considered the factors set forth in § 27-408(c)(2) and COMAR 31.02.04.02, MIA has determined that \$1,500.00 is an appropriate penalty.

20. Additionally, Respondent is ordered to reimburse MAIF \$6,219.00, which is the amount she fraudulently obtained from MAIF after she submitted a false claim.

21. Administrative penalties shall be made payable to the Maryland Insurance Administration and shall identify the case by number (R-2016-2963A) and name (Tiana Rashuan Robinson). Unpaid penalties will be referred to the Central Collections Unit for collection. Payment of the administrative penalty shall be sent to the attention of: Associate Commissioner, Insurance Fraud Division, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202.

22. Notification of reimbursement to MAIF shall be made in writing to the Associate Commissioner, Insurance Fraud Division, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202. Such notification shall include a copy of the money order or cancelled check issued to MAIF as proof of reimbursement and identify the case by number (R-2016-2963A) and name (Tiana Rashuan Robinson).

23. This Order does not preclude any potential or pending action by any other person, entity or government authority, regarding any conduct by the Respondent including the conduct that is the subject of this Order.

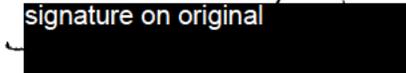
WHEREFORE, for the reasons set forth above, and subject to the right to request a hearing, it is this 23rd day of June 2016, **ORDERED** that:

(1) Tiana Rashuan Robinson shall pay an administrative penalty of one-thousand five hundred dollars (\$1,500.00) within 30 days of the date of this Order.

(2) Tiana Rashuan Robinson shall pay restitution to Maryland Automobile Insurance Fund in the amount of six thousand two hundred nineteen dollars (\$6,219.00) within 30 days of the date of this Order.

ALFRED W. REDMER, JR.
Insurance Commissioner
signature on original

BY:


NANCY GRODIN
Deputy Commissioner

RIGHT TO REQUEST A HEARING

Pursuant to §2-210 of the Insurance Article and Code of Maryland Regulations (“COMAR”) 31.02.01.03, an aggrieved person may request a hearing on this Order. This request must be in writing and received by the Commissioner within thirty (30) days of the date of the letter accompanying this Order. However, pursuant to §2-212 of the Article, the Order shall be stayed pending a hearing only if a demand for hearing is received by the Commissioner within ten (10) days after the Order is issued. The written request for hearing must be addressed to the Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, Attn: Hearings and Appeals Coordinator. The request shall include the following information: (1) the action or non-action of the Commissioner causing the person requesting the hearing to be aggrieved; (2) the facts related to the incident or incidents about which the person requests the Commissioner to act or not act; and (3) the ultimate relief requested. The failure to request a hearing timely or to appear at a scheduled hearing will result in a waiver of your rights to contest this Order and the Order shall be final on its effective date. Please note that if a hearing is requested on this initial Order, the Commissioner may affirm, modify, or nullify an action taken or impose any penalty or remedy authorized by the Insurance Article against the Respondent in a Final Order after hearing.