

IN THE MATTER OF THE
MARYLAND INSURANCE
ADMINISTRATION

v.

DONTE WENDELL WORTHINGTON
7405 Brixworth Court #302
Windsor Mill, Maryland 21244

BEFORE THE MARYLAND
INSURANCE COMMISSIONER

CASE NO. MIA-2015-03-011
Fraud Division File No. R-2015-1517A

ORDER

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

I. Facts

1. Respondent had an automobile insurance policy (# [REDACTED]) with Government Employees Insurance Company (GEICO), an authorized insurer. The policy was incepted on October 27, 2011, and was cancelled on July 11, 2014 for non-payment of premium.

2. Respondent was involved in a motor vehicle accident on June 8, 2014. He submitted a personal injury protection (PIP) claim to GEICO alleging he was injured and missed time from work for which he was not paid. GEICO assigned claim number 0432333340101032.

3. In support of his lost wage claim, Respondent submitted to GEICO through his Maryland based attorney a Wage and Salary Verification form, which appeared to be signed by his employer’s human resources manager. He also submitted a completed GEICO application for benefits form. On both forms, Respondent stated he missed work from June 9, 2014 to June 13, 2014, and lost \$1,200.00 in wages.

4. A GEICO analyst contacted the human resources manager whose name appeared on the lost wage form. The manager reported that Respondent only missed work on June 11, 2014, but he was paid for that day.

5. Based upon the foregoing, Respondent's claim was referred to GEICO's Special Investigations Unit (SIU).

6. A GEICO SIU investigator interviewed the human resources manager, who confirmed she did not sign the Wage and Salary Verification form nor did she authorize Respondent to do so. She reported Respondent was paid his regular salary from June 9, 2014 to June 13, 2014.

7. GEICO sent Respondent a letter, dated December 12, 2014, denying his claim based upon evidence he misrepresented his wage loss.

8. Section 27-802(a)(1) of the Insurance Article states, "An authorized insurer, its employees, producers...or agents, who in good faith have 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." GEICO, having a good faith belief that Respondent had committed insurance fraud, referred the matter to the Maryland Insurance Administration, Fraud Division.

9. MIA confirmed GEICO's handling of the insurance claim as set forth above.

10. On January 28, 2015, MIA contacted the human resources manager whose name appeared on the Wage and Salary Verification form submitted by Respondent. She reviewed the form and confirmed she did not sign it nor did she authorize anyone to sign her name. She reported Respondent had worked and was paid by his employer during the time period he claimed he missed work. When she questioned Respondent about the form, he admitted forging her signature without her authorization.

11. On February 5, 2015, MIA subpoenaed payroll and personnel records from Respondent's employer. A review of the responsive documents confirmed Respondent was paid from June 9, 2014 to June 13, 2014, and that he worked each day, with the exception of June 11, 2014, on which he took a paid day off.

II. Violation(s)

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

12. **Section §27-403(2)**

It is a fraudulent insurance act for a person:

(2) to present or cause to be presented to an 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.

13. **Section §27-408(c)**

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 \$25,000.00 for each act of insurance fraud; and

(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.

14. By the conduct described herein, Respondent knowingly violated § 27-403 and is subject to an administrative penalty under the Insurance Article.

III. Sanctions

15. 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 that a fraudulent claim has been submitted to an insurer. Insurance Article, §§2-201(d) (1) and 2-405.

16. Having considered the factors set forth in §27-408(c)(2) and COMAR 31.02.04.02, MIA has determined that \$3,000.00 is an appropriate penalty.

17. Administrative penalties shall be made payable to the Maryland Insurance Administration and shall identify the case by number (R-2015-1517A) and name (Donte Wendell Worthington). Unpaid penalties will be referred to the Central Collections Unit. 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.

18. This Order does not preclude any potential or pending action by any other person, entity or government authority, regarding any conduct by 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 9th day of March 2015, **ORDERED** that:

- (1) Donte Wendell Worthington shall pay an administrative penalty of \$3,000.00 within 30 days of the date of this Order.

ALFRED W. REDMER, JR.
Insurance Commissioner

Signature on original

BY:

CAROLYN HENNEMAN
Associate Commissioner
Insurance Fraud Division

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.