

IN THE MATTER OF THE
MARYLAND INSURANCE
ADMINISTRATION

v.

ALVIN AMPONSAH ANTWI
8208 Northlake Court
Laurel, Maryland 20707

*
*
*
*
*
*
*
*
*
*
*

BEFORE THE MARYLAND
INSURANCE COMMISSIONER

CASE NO.: MIA-2023-02-017

Fraud Division File No.: R-2021-4336A

ORDER

This Order is issued by the Maryland Insurance Administration (the "MIA") against Alvin Amponsah Antwi ("Respondent") pursuant to Md. Code Ann., Ins. Art. §§ 2-108, 2-201, 2-204 and 2-405 (2017 Repl. Vol. & Supp.) for the violations of the Maryland Insurance Article identified and described.¹

I. RELEVANT MATERIAL FACTS

1. Respondent was a named insured on an automobile insurance policy he had with United Services Automobile Association ("USAA"), an authorized insurer, for his 2020 Land Rover. The policy was in effect from November 20, 2020 to May 20, 2021.
2. On May 3, 2021, Respondent notified USAA that on May 2, 2021, he parked his insured vehicle in a Harris Teeter Grocery Store parking lot and left it unattended. Upon returning to the vehicle, he discovered that the passenger-side mirror had been damaged. USAA opened an uninsured motorist claim.

¹ Unless otherwise indicated, all statutory references in this Order are to the Insurance Article of the Maryland Code.

3. On May 6, 2021, a USAA representative interviewed Respondent who reported that his insured vehicle was struck by another vehicle while it was parked and unoccupied, which caused damage to the passenger side mirror. The USAA representative asked Respondent whether he filed a police report, to which Respondent replied that he had not.
4. Later that day, Respondent notified the Laurel City Police Department that on May 2, 2021, his Land Rover was struck while parked and unoccupied.
5. On May 6, 2021, State Farm Insurance Company ("State Farm"), an authorized insurer notified USAA that a person whose Ford truck was insured under a State Farm insurance policy notified State Farm that on May 2, 2021, Respondent was operating his Land Rover when he struck the Ford. Based on this information, USAA referred Respondent's claim to its Special Investigation's Unit ("SIU") for further investigation.
6. On May 17, 2021, a USAA investigator interviewed the owner of the Ford truck insured under the State Farm insurance policy (hereinafter "T.E."). T.E. reported that on May 1, 2021, she parked her Ford truck in front of her residence in Laurel, Maryland, and left it unattended. On May 2, 2021, T.E.'s husband, G.E., discovered that the Ford had been struck by another vehicle, which fled. Debris from the impact was left behind, and included an automotive mirror cover inscribed with the words "Land Rover." T.E. and G.E. drove through the area in an effort to identify the vehicle which struck the Ford and located a Land Rover with noticeable damage to its passenger-side mirror. T.E. called the Laurel City Police Department. A police officer identified Respondent as the owner of the Land Rover. T.E. and G.E. recognized Respondent as a neighbor and went to Respondent's home where they left a message for Respondent to contact them.

7. In response to T.E. and G.E.'s request, Respondent arrived at their home on May 4, 2021. Respondent admitted to G.E. that he struck the Ford and left the scene. Respondent's admission was captured on the home's Ring video doorbell camera wherein Respondent stated:

Can I at least pay for the deductible, I gotta give you at least something, cuz that was my mess up.

8. On May 17, 2021, a USAA investigator spoke with a police officer with the Laurel City Police Department who confirmed that on May 6, 2021, Respondent reported that his Land Rover was struck while parked and unoccupied at a Harris Teeter.

9. On May 19, 2021, a USAA investigator conducted a recorded interview with Respondent who confessed that on May 2, 2021, he was operating his insured Land Rover when he struck his neighbor's Ford and left the scene. Respondent admitted that he initially lied to USAA when he reported that his Land Rover was struck while parked. The USAA investigator asked Respondent why he had not previously provided USAA with the "actual truth," to which Respondent replied:

I apologize, uh, just really being honest. Uh, my insurance is already really high and I just didn't want my insurance premiums to go up some more...

10. On May 25, 2021, USAA sent a letter to Respondent denying his claim, which stated, in pertinent part:

...While processing your claim, State Farm Insurance Company (State Farm) reported to USAA GIC that you were operating your Land Rover when your vehicle collided with a claimant's parked 2016 Ford truck insured by State Farm. USAA GIC spoke with the claimant who explained that they found debris at the loss scene that matched damaged areas present on your vehicle and reported the loss to police. The claimant also provided ring doorbell footage of you offering to pay for their insurance deductible.

On 5/20/21, you admitted to USAA GIC that your Land Rover was not damaged while parked as you first reported. You explained that you were operating your Land Rover at about 4:00 AM on 5/2/21, when you hit your neighbor's parked Ford. You added that you panicked and parked your Land Rover in a nearby parking area

to avoid detection and that you were not truthful with USAA GIC because you were concerned about a possible insurance rate increase.

...We do not provide coverage for any person who has knowingly concealed or misrepresented any material fact or circumstance relating to this insurance...

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

An authorized insurer, its employees, fund producers, or 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.

USAA, having a good faith belief that Respondent committed insurance fraud, referred the matter to the MIA, Fraud Division, which opened an investigation.

The MIA's Investigation

12. An MIA investigator contacted USAA and confirmed the facts as reported in its investigation.

13. On November 2, 2022, an MIA investigator interviewed G.E., who reiterated and confirmed the facts as stated above.

14. An MIA investigator obtained a copy of the Laurel City Police call for service report, which confirmed that on May 6, 2021, Respondent notified the police department that on May 2, 2021, his vehicle was struck in a "hit and run" accident at "Harris Teeter."

II. VIOLATION(S)

15. 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:

§ 27-403

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.

§ 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

* * *

(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.

16. By the conduct described herein, Respondent knowingly violated § 27-403. The Respondent violated the Insurance Article when he falsely reported to USAA that his vehicle was struck while parked and unoccupied. As such, Respondent is subject to an administrative penalty under the Insurance Article § 27-408(c).

III. SANCTIONS

17. 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.

18. Having considered the factors set forth in § 27-408(c)(2), the MIA has determined that a fine of \$1,500.00 is an appropriate penalty.

19. Administrative penalties shall be made payable to the Maryland Insurance Administration and shall identify the case by number (R-2021-1984A) and name (Alvin A. Antwi). Payment of

the administrative penalty shall be sent to the attention of: Joseph Smith, Acting Associate Commissioner, Insurance Fraud & Enforcement Division, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202. Unpaid penalties will be referred to the Central Collections Unit for collection.

20. 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 February 2023, ORDERED that:

Alvin Amponsah Antwi shall pay an administrative penalty of One-Thousand Five Hundred Dollars (\$1,500.00) within 30 days of the date of this Order.

KATHLEEN A. BIRRANE
Insurance Commissioner

BY: signature on original
JOSEPH E. SMITH
Acting Associate Commissioner
Insurance Fraud & Enforcement 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 served. The written request for hearing must be addressed to the Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202, Attn: Melanie Gross, Executive Assistant to the Deputy Commissioner. 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