

No. **3849**

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: MAR 05 2015

Subject Considered:

NICHOLE LURRAINE POISSON
942 14th St
Sturgis, SD 57785-1347

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 7405

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Nichole Lorraine Poisson of Sturgis, South Dakota.

WAIVER

Poisson acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Poisson waives all of these rights in consideration of the entry of this consent order. Pursuant to TEX. INS. CODE § 82.055(b), Poisson does not admit to a violation of the insurance laws of Texas and has entered into this consent order in an attempt to settle all allegations against her and to avoid the expense and uncertainty of litigation.

FINDINGS OF FACT

1. Poisson, individual identification no. 845658, holds a general lines property and casualty license originally issued May 26, 2009.
2. Poisson worked for Hartford, Inc. d/b/a Evergreen MGA of Lewiston, Maine, from March 2004 through April 2014. Hartford, Inc. d/b/a Evergreen MGA does not hold any license or authorization to perform the acts of an agent, managing general agent, or to otherwise transact the business of insurance in Texas. Poisson did not hold a position in management while working for Hartford, Inc. d/b/a Evergreen MGA.
3. While working for Hartford, Inc. d/b/a Evergreen MGA, Poisson sold liability insurance policies in Texas through Evergreen USA Risk Retention Group, Inc., a risk retention group registered with the department. Together with those liability insurance policies, Poisson sold commercial property insurance in Texas on behalf of Evergreen Indemnity,

Ltd. (EVI) of Barbados. EVI does not hold any license or authorization to perform the acts of an insurer, or to otherwise transact the business of insurance in Texas.

4. Poisson sold one EVI insurance contract to a recreational vehicle (RV) park, V.K.C.R.P., located in Mission, Texas, effective January 1, 2010. Poisson issued, delivered, and renewed that insurance contract each year thereafter until December 31, 2013.
5. Poisson was compensated and accepted commissions in the amount of \$188 from EVI and Hartford, Inc. d/b/a Evergreen MGA for the V.K.C.R.P. account.
6. Poisson represents that her employer, Lucas Hartford of Hartford, Inc. d/b/a Evergreen MGA, told her that EVI was not required to be licensed in Texas. As a result, Poisson failed to independently conduct any due diligence or investigation as to whether EVI was authorized to conduct the business of insurance in Texas without a license or certificate of authority.
7. Although EVI policyholders were notified in writing that EVI is an offshore company that does not participate in any state insolvency fund, Poisson did not specifically disclose and otherwise inform Texas policyholders that EVI does not hold any license or certificate of authority in Texas, and is not authorized to transact the business of insurance in Texas.
8. Poisson performed the following acts of insurance in Texas, directly or indirectly, on behalf of unlicensed and unauthorized persons and entities: provided quotes for coverage, took and received applications, sold and negotiated coverage, issued and delivered an insurance contract, renewed an insurance contract, received and collected premiums and commissions, disseminated information relating to coverage and rates, and otherwise transacted and engaged in the business of insurance in Texas.
9. Poisson represents that, to the best of her knowledge, the EVI policyholder, V.K.C.R.P., has not incurred any unpaid claims or losses for the period of January 1, 2010 through December 31, 2013.
10. There appears to be no evidence of consumer harm to Texans or owners of Texas risks at this time related to the unauthorized insurance sold by Poisson on behalf of EVI and Hartford, Inc. d/b/a Evergreen MGA. The department has no evidence of complaints from EVI policyholders in Texas related to Poisson and the unauthorized insurance she sold on behalf of EVI and Hartford, Inc. d/b/a Evergreen MGA.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.001 – 82.056, 84.021 – 84.022, 101.101 – 101.156, 4005.101, and 4005.102.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.

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COMMISSIONER'S ORDER

Nichole Lorraine Poisson

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3. Nichole Lorraine Poisson violated TEX. INS. CODE § 101.102(a) by directly or indirectly performing acts that constitute the business of insurance, as that term is defined in TEX. INS. CODE § 101.051.
4. Nichole Lorraine Poisson, through Hartford, Inc. d/b/a Evergreen MGA, sold the insurance products of a company not authorized to do the business of insurance in Texas, in violation of TEX. INS. CODE §§ 101.051, 101.102(a), 4001.051, and 4001.101.
5. Pursuant to TEX. INS. CODE § 101.201(a), Nichole Lorraine Poisson remains contractually liable to Texans and owners of Texas risks whom she assisted directly or indirectly in the procurement of EVI contracts for the full amount of a claim or loss under the terms of the EVI contracts if EVI fails to pay the claim or loss.

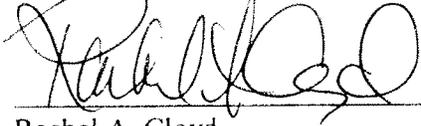
The commissioner orders Nichole Lorraine Poisson to immediately cease and desist from directly or indirectly doing acts that constitute the business of insurance in Texas, except as she is authorized by statute.

The commissioner further orders Nichole Lorraine Poisson to pay an administrative penalty of \$500 within 30 days from the date of this order. The payment must be paid by cashier's check or money order made payable to the "State of Texas" and transmitted to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



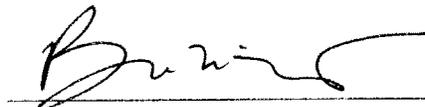
David C. Mattax
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Rachel A. Cloyd
Staff Attorney, Enforcement Section
Texas Department of Insurance

COUNSEL FOR RESPONDENT:



Bruce McCandless, III
Mitchell Williams

