



LOUISIANA DEPARTMENT OF INSURANCE
Fraud Division

CEASE AND DESIST ORDER
and
SUMMARY SUSPENSION
PRODUCER LICENSE #337981

March 11, 2022

Kim Marie Holmes
14086 Airline Hwy Apt 3024E
Gonzales, LA 70737

Article # **7021 2720 0321 3163**

Kim Marie Holmes
3636 S Sherwood Forest Blvd Ste 500
Baton Rouge, LA 70816

Article # **7021 2720 0321 3170**

Via Email: KIMHOLES@PRIMERICA.COM
mzholmz1@yahoo.com

WHEREAS, IT HAS COME TO MY ATTENTION, as Commissioner of Insurance (Commissioner) of the Louisiana Department of Insurance (LDI), that Kim Marie Holmes has violated certain provisions of the Louisiana Insurance Code, Title 22, La. R. S. 22:1 *et. seq.* As used hereinafter, “you” and “your” refer to Kim Marie Holmes. Accordingly, pursuant to the power and authority vested in me as the Commissioner, I issue this Order to Cease and Desist and Summary Suspension based on the following, to wit:

You are licensed by the Louisiana Department of Insurance as an insurance producer (License #337981), with an effective licensure date of January 7, 2022 and your producer license is currently active. Your license authorities are for writing life policies of insurance.

On March 3, 2022 an arrest warrant was issued in Ascension Parish charging you with violating La R.S. 22:1924 Prohibited Activities and Sections – Insurance Fraud, which is a felony. The warrant was issued as a result of an investigation completed by Louisiana State Police into the fraudulent claim, made by you on or about September 16, 2021, under your Farmers Insurance renter’s policy following Hurricane Ida. According to the investigation, you “made material misrepresentations to Farmers Insurance during the process of your renter’s policy claim after Hurricane Ida. The items [you] claimed as damaged appear to have been greatly inflated in price, or never purchased from the places [you] reported to Farmers. Furthermore, the apartment complex where [you] live[d] never received any reported damages to the building [you] live[d] in. In addition, [your] employment records confirmed [you] worked numerous shifts throughout the time [you] claimed to be evacuated in another state.”

Based on your misrepresentations, you attempted to defraud Farmers Insurance in the amount of \$15,948.46, to which you were not entitled.

Based on the above information, you have demonstrated a danger to the public by providing fictitious information to the insurance company in an attempt to obtain monetary gain.

The Louisiana Insurance Code, Title 22, R.S. 22:1 et seq. at §2. states:

§ 2. Insurance regulated in the public interest

- (1) Insurance is an industry affected with the public interest and it is the purpose of this Code to regulate that industry in all its phases. [I]t 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 insurer's 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 an 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.

Pursuant to La. R.S. 22:1554, the Commissioner is authorized to take certain regulatory actions against any person who is ...charged with a violation of this Part of Chapter 5, Producers and Other Regulated Entities Part I. Producers. These actions are designed to assist the Commissioner in administering the provisions of the Insurance Code.

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 for each violation 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:

- (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. 22:1923 maintains in pertinent part:

§ 1923. Definitions

- (2) "Fraudulent insurance act" shall include but not be limited to acts or omissions committed by any person who, knowingly and with intent to defraud:
- (a) Presents, cause to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, reinsurer, purported insurer or reinsurer, producer, or any agent thereof, any oral or written statement which he knows to contain materially false information as part of, or in support of, or denial of, or concerning any fact material to or conceals any information concerning any fact material to the following:

- (iii) A claim for payment or benefit pursuant to any insurance policy.
La. R.S. 22:1924 maintains in pertinent part:

§ 1924 Prohibited activities and sanctions

- A. (1) Any person who, with the intent to injure, defraud, or deceive any insurance company, or the Department of Insurance, or any insured or other party in interest, or any third-party claimant commits any of the acts specified in Paragraph (2) or (3) of this Subsection is guilty of a felony and shall be subjected to a term of imprisonment, with or without hard labor, not to exceed five years, or a fine not to exceed five thousand dollars, or both, on each count and payment of restitution to the victim company of any insurance payments to the defendant that the court determines was not owed and the costs incurred by the victim company associated with the evaluation and defense of the fraudulent claim, including but not limited to the investigative costs, attorney fees, and court costs. However, if the benefit pursued does not exceed one thousand dollars, the term of imprisonment shall not exceed six months, or the fine shall not exceed one thousand dollars, or both, on each count.

(2) The following acts shall be punishable as provided in Paragraph (1) of this Subsection:

- (a) Committing any fraudulent insurance act as defined in R.S. 22:1923.
- (b) Presenting or causing to be presented any written or oral statement including computer-generated documents as part of or in support of or denial of a claim for payment or other benefit pursuant to an insurance policy, knowing that such statement contains any false, incomplete, or fraudulent information concerning any fact or thing material to such claim or insurance policy.

The Louisiana Insurance Code, Title 22, La. R.S. 22:1 et seq., authorizes the Commissioner to investigate the affairs and professional conduct of every person engaged in the business of insurance to determine whether such person has been or is engaged in any unfair or deceptive act or practice prohibited by the Louisiana Insurance

Code. It is determined that Kim Marie Holmes has committed the violations of the Louisiana Insurance Code as listed above.

VIOLATIONS:

Kim Marie Holmes has shown to be untrustworthy in insurance matters. This has been evidenced by her arrest by the Louisiana State Police and subsequently being charged with La. R.S. 22:1924 Prohibited Activities and Sanctions – Insurance Fraud. These actions constitute violations of La. R.S. 22:1554(A) (14) and La. R.S. 22:1924(A)(2)(a) & (b) as defined by La. R.S. 22:1923(2)(a)(iii).

BE ADVISED:

COMMISSIONER'S ACTION:

As a result of the investigation and documentation in possession of the LDI, and in accordance with La. R.S. 22:18, La. R.S. 22:1554(A) and La. R.S. 49:961(C), determination has been rendered that you are in violation of the statutes listed above and the public health, safety, or welfare imperatively requires emergency action, therefore, you are a danger to the insurance buying public to such a degree that the Louisiana Commissioner of Insurance hereby orders you, **Kim Marie Holmes**, to **CEASE AND DESIST** from conducting the business of insurance; and Louisiana Insurance Producer License Number **337981** is hereby **SUSPENDED** effective immediately.

YOUR ACTION:

Be advised that this 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 the 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 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 addresses below:

Louisiana Department of Insurance
Attn: J. David Caldwell, Executive Counsel
P. O. Box 94214

Baton Rouge, LA 70804-9214

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

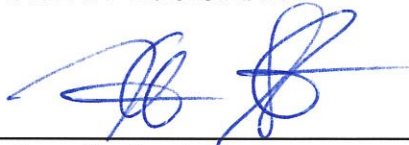
File in Person at:

1702 N. Third Street
Baton Rouge, LA 70802

Signed in Baton Rouge, Louisiana this 11th day of March 2022.

JAMES J. DONELON
COMMISSIONER OF INSURANCE
STATE OF LOUISIANA

BY:



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

CERTIFICATE OF SERVICE

Article # **7021 2720 0321 3163**

Article # **7021 2720 0321 3170**

I hereby certify that I have this day served the foregoing document upon **Kim Marie Holmes** by mailing a copy thereof properly addressed with postage prepaid, this 11th day of March 2022.



Heath Soileau, Compliance Investigator