

IN THE MATTER OF THE
MARYLAND INSURANCE
ADMINISTRATION

v.

VERONIQUE NZABANDORA KAYIHURA
8511 Hedgerow Court
Ellicott City, Maryland 21043

* BEFORE THE MARYLAND
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* INSURANCE COMMISSIONER
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* CASE NO. : MIA-2018-08-035
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* Fraud Div. File No.: R-2018-3897A
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CONSENT ORDER

The Maryland Insurance Commissioner (“Commissioner”) and Veronique Nzabandora Kayihura (“Respondent”), enter into this Consent Order pursuant to §§ 2-108, 2-204 and 2-405 of the Insurance Article, Md. Code Ann. (2017 Repl. Vol. & Supp.) (“Insurance Article”), to resolve the matter before the Maryland Insurance Administration (“Administration”).

I. Explanatory Statement & Findings of Fact

1. 1. On February 27, 2018, a person who had automobile insurance with Nationwide Mutual Insurance Company (“Nationwide”), an authorized insurer, notified Nationwide that earlier the same day she was operating her insured vehicle when she struck a Toyota Rav4 (“Rav4”), being operated by Respondent who was backing from a parking space.

2. On April 3, 2018, Respondent submitted to Nationwide an invoice for a rental vehicle purportedly from Devedax Delivery (“Devedax”), Charlottesville, Virginia. The invoice was handwritten and stated that on March 26, 2018, Respondent paid \$1,725.00, by check, to rent a Toyota “High Lander” [sic] for 3 weeks, at “450\$” [sic] a week, beginning February 28, 2017[sic], plus “375\$” [sic] for an additional 13 days. This time frame was concurrent with both the period in which the RAV4 was drivable, i.e. no rental was needed, and a car had been rented from Enterprise. In addition, Respondent did not pay for the car rental.

3. Nationwide, having a good faith belief that Respondent committed insurance fraud, referred the matter to the MIA, Fraud Division pursuant to § 27-802(a)(1) of the Insurance Article.

4. The Administration issued an Amended Order against Respondent on January 30, 2019. In the Amended Order, Respondent was found to have violated § 27-403 of the Insurance Article. An administrative penalty in the amount of \$1,500.00 was assessed.

5. The facts and violations stated in the Amended Order are incorporated herein by reference.

6. Respondent timely requested a hearing to contest the findings in the Amended Order.

7. The parties agree to this Consent Order to avoid litigation and to fully and finally resolve all issues before the Administration.

II. Provisions of Law

8. 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:

9. **§ 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[.]

10. **§ 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.

11. Respondent committed a violation of § 27-403 of the Insurance Article when she submitted a false document and made false statements to Nationwide. As such, Respondent is subject to an administrative penalty under the Insurance Article § 27-408(c).

Order

WHEREFORE, for the reasons set forth above, it is this 3rd day of April 2019, **ORDERED** by the Maryland Insurance Commissioner and consented to by Respondent that:

A. Veronique Nzabandora Kayihura shall pay an administrative penalty of one thousand five hundred Dollars (\$1,500.00) as follows.

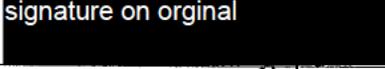
- i. \$750.00 due on March 22, 2019;
- ii. \$750.00 due by April 22, 2019;

B. Failure to pay as outlined in paragraph A, above constitutes a default. Notice of Default is hereby waived by Respondent. Respondent agrees to pay the balance within 30 days of default. The unpaid balance will be sent to the Central Collections Unit of the Department of Budget and Management for collection.

The executed Consent Order and each penalty payment shall be sent to the attention of: Maryland Insurance Administration, Steve Wright, Associate Commissioner, Fraud Division, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202 and shall identify the case by number (MIA-2018-08-036) and name (Veronique Nzabandora Kayihura).

- C. The parties acknowledge that this Order contains the entire agreement between the parties relating to the administrative actions addressed herein and that this Order resolves all matters relating to the factual assertions and agreements contained herein. All time frames set forth in this Order may be amended or modified only by subsequent written agreement of the parties.
- D. Respondent had the opportunity to have this Order reviewed by legal counsel of her choosing, and is aware of the benefits gained and obligations incurred by the execution of the Order. Respondent waives any and all rights to any hearing or judicial review of this Order to which she would otherwise be entitled under the Insurance Article with respect to any of the determinations made or actions ordered by this Order.
- E. For the purposes of the Administration and for any subsequent administrative or civil proceedings concerning Respondent, whether related or unrelated to the foregoing paragraphs, and with regard to requests for information about the Respondent made under the Maryland Public Information Act, or properly made by governmental agencies, this Order will be kept and maintained in the regular course of business by the Administration. For the purposes of the business of the Administration, the records and publications of the Administration will reflect this Order.
- F. Nothing herein shall be deemed a waiver of the Commissioner's right to proceed in an administrative action or civil action to enforce the terms of this Order. Failure to fully comply with the terms of this Order may subject Respondent to further legal and/or administrative action.
- G. This Order shall go into effect upon signing by the Commissioner or his designee, and is a Final Order of the Commissioner under § 2-204 of the Insurance Article.

ALFRED W. REDMER, JR.
Insurance Commissioner

BY: 

STEVE WRIGHT *O*
Associate Commissioner
Insurance Fraud Division

VERONIQUE NZABANDORA KAYIHURA CONSENT

Veronique Nzabandora Kayihura hereby CONSENTS to the representations made in, and terms of, this Consent Order.

signature on original


Veronique Nzabandora Kayihura

Date

04/03/2019