

IN THE MATTER OF THE
MARYLAND INSURANCE
ADMINISTRATION

v.

DOMINIQUE GREEN
AKA: DOMINIQUE N. PORTER
12103 Deka Road
Clinton, Maryland, 20735

*
*
*
*
*
*
*
*
*
*
*

BEFORE THE MARYLAND
INSURANCE COMMISSIONER

CASE NO. : MIA-2020-07-024

Fraud Division File No.: R-2020-0610A

ORDER

This Order is entered by the Maryland Insurance Administration (the "MIA") against Dominique Green ("Respondent"), pursuant to §§ 2-108, 2-201, 2-204 and 2-405 of the Insurance Article, Md. Code Ann. (2017 Repl. Vol. & Supp.) (the "Insurance Article").

I. Facts

1. On August 6, 2019, Respondent applied for automobile insurance with Progressive Select Insurance Company ("Progressive"), an authorized insurer, for her 2014 Toyota. The application required the applicant to identify all potential drivers, defined as, "You, your spouse, and all resident relatives 15 years of age or older, all regular drivers of the vehicles described in this application... who drive these vehicles, even occasionally..." Respondent only identified herself, and signed the application.

2. The application signed by Respondent states:

Any person who knowingly or willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly or willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

3. Respondent's Progressive insurance policy ("the Progressive policy") inception on August 6, 2019, at 10:28 pm.

4. On August 13, 2019, Respondent notified Progressive that on August 10, 2019, while operating her insured vehicle, in Clinton, Maryland, she struck a parked vehicle. Progressive opened a claim.

5. Also on August 13, 2019, the owner of the vehicle that Respondent reported that she hit ("Claimant") contacted Progressive, by which she was also insured, to report the claim. Claimant told Progressive that, contrary to the information provided by Respondent, the accident occurred on August 6, 2019, and Respondent's husband was driving. The Claimant also said that Respondent's husband asked her to provide false information regarding the claim so that Progressive would provide coverage. The Claimant provided text messages she received from Respondent's husband, wherein he asked her to lie. Based on this information, the Progressive representative referred the matter to the company's Special Investigations Unit ("SIU") to investigate suspected fraud.

6. On August 14, 2019, a Progressive representative conducted a recorded interview with Claimant, who said that the accident occurred on August 5, 2019 at about 9:36 PM. She said that her vehicle was parked when it was struck. She said that the vehicle owned by Respondent was being operated by her husband who initially provided Claimant with invalid insurance information regarding an expired MAIF policy. Respondent's husband subsequently sent the claimant a Progressive insurance identification card, and instructed her to report that the accident occurred on Saturday night, and that the Respondent was driving. He said, "We told the insurance [*sic*] it happened on August 10, at 9:00 pm."

7. On August 15, 2019, Progressive took separate recorded statements from both D. Green and her husband. Respondent's husband stated that he did not know the date of the accident, and that Respondent filed the claim. Respondent said she made a mistake when

reporting the accident date. When asked why she failed to identify her husband as the driver and resident relative within her insurance application, she replied because he “really doesn’t drive my vehicle,” and she did not think she had to.

8. Section 27-802(a)(1) of the 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.

Progressive, having a good faith belief that Respondents may have attempted to commit insurance fraud, referred the matter to the MIA’s Fraud Division, which opened an investigation.

9. On April 23, 2020, an MIA investigator interviewed Claimant. She confirmed that Respondent’s husband was operating the vehicle insured by Progressive when it struck her parked vehicle. She stated that the accident occurred on August 6, 2019, at about 9:30 pm. Complainant confirmed that Respondent’s husband asked her to report that the accident occurred on August 10.

II. Violation(s)

10. Based on the foregoing facts, the Administration finds that Respondent violated sections 27-403 (2), and 27-406 (1) of the Insurance Article.

11. Section 27-403 of the Insurance Article states:

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[.]

12. Section 27-406 of the Insurance Article states:

It is a fraudulent insurance act for a person:

(1) knowingly or willfully to make a false or fraudulent statement or representation in or with reference to an application for insurance;

13. Section 27-408 of the Insurance Article states:

(c) *Administrative Penalty.* -- (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.

14. Respondent's conduct as described in this Order violated § 27-403 and § 27-406.

Respondent is, therefore, subject to administrative penalties pursuant to § 27-408(c) of the Insurance Article.

III. Sanctions

15. Insurance fraud is a serious violation that harms all insurance consumers because the losses suffered by insurance companies are passed on to consumers in the form of higher premiums.

16. After considering the factors set forth in § 27-408(c)(2) of the Insurance Article, MIA has determined that \$3,000.00 is an appropriate penalty for Respondent.

17. Administrative penalties shall be made payable to the Maryland Insurance Administration and shall identify the case by number (R-2020-0610A) and name (Dominique Green). 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. Unpaid penalties will be referred to the Central Collections Unit for collection.

18. This Order does not preclude any potential or pending action by any other person, entity, or government authority regarding any conduct by 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 July 2020, **ORDERED** that:

Dominique Green shall pay an administrative penalty of three thousand dollars (\$3,000.00) within 30 days of the date of this Order.

KATHLEEN BIRRANE
Insurance Commissioner

BY: signature on original
STEVE WRIGHT
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 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: