

BEFORE ALLAN L. MCVEY, INSURANCE COMMISSIONER  
OF THE STATE OF WEST VIRGINIA

*In the Matter of:*

**LARITA EVANS (NPN 19420856)**

Administrative Proceeding No. 22-IC-02037

**CONSENT ORDER**

In lieu of holding an Administrative Hearing in this matter, the West Virginia Offices of the Insurance Commissioner (“OIC”) and Larita Evans have reached an accord and desire an agreed Consent Order to be entered accordingly. Larita Evans, Producer License #19420856, understands and agrees that by consenting to this Consent Order she waives all rights to an administrative hearing and to judicial review of this matter. Larita Evans, understands and agrees that by consenting to this Order she is agreeing to an administrative action being taken against her producer license.

The Insurance Commissioner for the State of West Virginia (hereinafter “Commissioner”) believes the entry of this Consent Order is appropriate and in the public interest.

**JURISDICTION**

The Commissioner has jurisdiction over the subject matter of this action and over Larita Evans, pursuant to W.Va. Code § 33-12-1, *et seq.*

W.Va. Code § 33-12-3 states, in pertinent part:

- (a) A person may not sell, solicit or negotiate insurance covering subjects of insurance resident, located or to be performed in this state for any class or classes of insurance unless the person is licensed for that line of authority in accordance with this article.
- (b) No person shall in West Virginia act as or hold himself or herself out to be an individual insurance producer or insurance agency or solicitor unless then licensed therefor pursuant to this article.
- (c) No individual insurance producer, insurance agency or solicitor or any representative or employee thereof shall solicit or take application for, negotiate, procure or place for others any kind of insurance or receive or share, directly or indirectly, any commission or other valuable consideration arising from the sale, solicitation or negotiation of any insurance contract for which that person is not then licensed.

Further, W.Va. Code §§ 33-12-24(b) states, in pertinent part:

- (b) The Insurance Commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license, solicitor's license or excess line broker's license, or may levy a civil penalty or any combination of actions, for any one or more of the following causes:
  - (2) Violating any insurance laws, or violating any regulation, subpoena or order of the insurance commissioner or of another state's Insurance Commissioner; ...
  - (9) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

(13) Knowingly accepting insurance business from an individual who is not licensed;

W.Va. Code § 33-12-24(f) states, “The Insurance Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by this article against any person even if the person's license or registration has been surrendered or has lapsed by operation of law.”

#### **APPLICABILITY**

This Consent Order applies to Larita Evans’ Producer License #19420856, issued pursuant to Chapter 33, Article 12 of the West Virginia Code.

#### **EFFECT ON THIRD PARTIES**

This Consent Order does not vest standing in any third party with respect to the terms hereof, nor create for any person, other than the parties hereto, a right to enforce its terms.

#### **ALLEGED FACTS**

The OIC received evidence that Larita Evans committed violations of W. Va. Code §§ 33-12-24(b)(2), 33-12-24(b)(9) and 33-12-24(b)(13). Specifically, Larita Evans holds producer number 19420856 and was an agent for Allstate. Further, Ms. Evans was the owner of Mountain State Group, Inc. dba Appalachian Family Insurance Company, a licensed insurance agency. Ms. Evans hired Jeffrey Evans as a producer to solicit and engage in tasks requiring him to hold a producer’s license. Mr. Evans was granted a provisional license pursuant to the OIC policy granting a provisional license during the COVID-19 pandemic. At the expiration of the provisional license on August 31, 2020, Mr. Evans was required to fulfill the requirements to obtain a valid producer license.

Jeffrey Evans was notified by the OIC prior to his license expiring, that his provisional license was going to expire, and that he needed to fulfill the requirements to obtain a valid producer license. Mr. Evans did not obtain his regular producer license until March 23, 2021.

While unlicensed and as an agent and employee for Larita Evans, Jeffrey Evans continued to hold himself out as and conduct business as a state insurance producer and as an agent for Allstate.

Larita Evans was responsible for the actions of Jeffrey Evans. Larita Evans knew or should have known that Mr. Evans was not licensed and had no authority at the expiration of his provisional license. Larita Evans allowed Jeffrey Evans to act as an insurance producer when he did not have a valid producer’s license.

#### **AGREED ACTION**

By executing this Consent Order, Larita Evans consents to the entry of this Order against her. In addition, she acknowledges that the Commissioner has amassed such evidence that the Commissioner might prevail at a hearing against her resulting in the revocation of her license and the imposition of a civil fine or penalty pursuant to W.Va. Code § 33-12-24(e). Accordingly, Larita Evans consents to the lifetime REVOCATION of her West Virginia insurance producer license (NPN 19420856).

In consideration of Ms. Evans’ cooperation and agreement with a lifetime revocation, no monetary penalty will be imposed.

#### **FINAL DISPOSITION**

This Consent Order shall constitute the final disposition of Commissioner administrative proceeding 22-IC-02037.

#### **MISCELLANEOUS PROVISIONS**

Jurisdiction of this case is retained for enforcement of this Consent Order. Any party hereto may apply to the Commissioner for such further orders and directions as may be necessary or appropriate for the construction and enforcement of this Consent Order. The remedies in this Consent Order are cumulative and in addition to any other remedies the Insurance Commissioner may have at law or equity. Nothing herein shall be construed to prevent the Commissioner from bringing any action for conduct not released hereunder, even though that conduct may also violate this Consent Order.


Larita Evans understands that this is an action taken against her license and will be

reported to the RIRS database maintained by The National Association of Insurance Commissioners (NAIC).

**ORDER**

**WHEREFORE**, based upon the foregoing, it is the finding of the Insurance Commissioner that Larita Evans violated W.Va. Code §§ 33-12-3, 33-12-24(b)(2), 33-12-24(b)(9) and 33-12-24(b)(13). It is, therefore, **ORDERED** that Larita Evans' West Virginia Producer License (NPN 19420856) is hereby **REVOKED for her lifetime**.


Entered on this 6<sup>th</sup> day of December 2022.

  
ALLAN L. MCVEY  
CPCU, ARM, AAI, AAM, AIS  
Insurance Commissioner


Agreed To:

  
Larita Evans

On Behalf of Larita Evans

  
Todd Wiseman, Esq. (WVSB #6811)  
Wiseman Law Firm, PLLC  
1510 Grand Central Avenue  
Vienna, WV 26105

On Behalf of the  
West Virginia Insurance Commissioner

  
Jeffrey C. Black, Esq. (WVSB #8188)  
Legal Division  
State of West Virginia Offices of the Insurance Commissioner  
PO Box 50540  
Charleston, WV 25305-0540