

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

In the Matter of:

JEFFREY EVANS (NPN 19464115)

Administrative Proceeding No. 22-IC-02013

CONSENT ORDER

In lieu of holding an Administrative Hearing in this matter, the West Virginia Offices of the Insurance Commissioner (“OIC”) and Jeffrey Evans have reached an accord and desire an agreed Consent Order to be entered accordingly. Jeffrey Evans, Producer License #19464115, understands and agrees that by consenting to this Consent Order he waives all rights to an administrative hearing and to judicial review of this matter. Jeffrey Evans, understands and agrees that by consenting to this Order he is agreeing to an administrative action being taken against his 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 Jeffrey 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....

W.Va. Code § 33-11-4(11) states, “No person shall make false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money or other benefit from any insurer, agent, broker or individual.”

APPLICABILITY

This Consent Order applies to Jeffrey Evans’ Producer License #19464115, 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

Jeffrey Evans had obtained a West Virginia provisional insurance producer’s license on April 28, 2020 pursuant to the Commissioner’s policy allowing for a provisional license during the COVID-19 pandemic. Mr. Evans’ provisional license expired on August 31, 2020. After the expiration of the provisional license, all producers holding a provisional license were required to follow the regulatory and statutory requirements to obtain a proper producer license. Mr. Evans did not obtain his regular producer license until March 23, 2021.

The OIC was notified by Allstate that Jeffrey Evans received a termination for cause for holding himself out and conducting business as a state insurance producer without a producer license. Even though Jeffrey Evans had been notified by the OIC numerous times that his provisional license had expired and he needed to fulfill all requirements to obtain a proper active producer license, he continued to act and hold himself out as a licensed insurance producer. Mr. Evans sold several policies between the time his provisional license expired on August 31, 2020 and when he obtained his proper producer license on March 23, 2021.

AGREED ACTION

By executing this Consent Order, Jeffrey Evans consents to the entry of this Order against him. In addition, he acknowledges that the Commissioner has amassed such evidence that the Commissioner might prevail at a hearing against him resulting in the revocation of his license and the imposition of a civil fine or penalty pursuant to W.Va. Code § 33-12-24(e). Accordingly, Jeffrey Evans consents to the lifetime REVOCATION of his West Virginia insurance producer license (NPN 19464115).

In consideration of Mr. 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-02013.

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.

Jeffrey Evans understands that this is an action taken against his 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 Jeffrey Evans violated W.Va. Code §§ 33-12-3, 33-12-24(b)(2), 33-12-24(b)(9) and 33-11-4(11). It is, therefore, **ORDERED** that Jeffrey Evans’ West Virginia Producer License (NPN 19464115) is hereby **REVOKED for his lifetime**.

Entered on this 6th day of December 2022.



ALLAN L. MCVEY

CPCU, ARM, AAI, AAM, AIS

Insurance Commissioner

Agreed To:



Jeffrey Evans

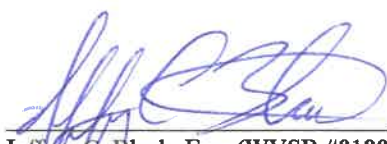
On Behalf of Jeffrey Evans



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On Behalf of the
West Virginia Insurance Commissioner



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