



## LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON  
COMMISSIONER

### **NOTICE OF REVOCATION AND FINE**

**PRODUCER LICENSE #583793**

**PRODUCER LICENSE #500514**

January 20, 2022

Wendy Fox-Breaux  
Fox Insurance Agency, LLC  
606 N. University Avenue, Ste. 100  
Lafayette, LA 70506

Article #: 7019 2280 0001 1504 4871

Wendy Fox-Breaux  
112 N. Richter Drive  
Lafayette, LA 70501

Article #: 7019 2280 0001 1504 4888

Email: wendy@foxinsagy.com

Dear Wendy Fox-Breaux:

WHEREAS, IT HAS COME TO MY ATTENTION, as Commissioner of Insurance, (Commissioner) of the Louisiana Department of Insurance (LDI), that the producer agency, Fox Insurance Agency, LLC, and individual producer, Wendy Fox-Breaux, have violated certain provisions of the Louisiana Insurance Code, Title 22, La. R.S. 11:1 *et seq.* Accordingly, pursuant to the power and authority vested in me as the Commissioner, I issue this Notice of Revocation and Fine based on the following, to wit:

Wendy Fox-Breaux is the owner and designated responsible person for the Fox Insurance Agency, LLC according to Louisiana Department of Insurance (LDI) records. Your producer license (#500514) was initially issued on November 18, 2019, and the license status is currently active. The Fox Insurance Agency, LLC (License #583793) ("Fox Agency") has been a producer agency since February 20, 2013, and the status of the license is currently active. Hereinafter, the term "you" and "your" refer to Wendy Fox-Breaux and the Fox Insurance Agency, LLC collectively.

As you are aware, several complaints were filed with the LDI against the Fox Insurance Agency. You provided various responses and documentation to the LDI during its investigation of the matter. The LDI issued a Notice of Proposed Regulatory Action and Wrongful Conduct, dated August 9, 2021, regarding these four (4) complaints filed with the LDI to afford you the opportunity to respond and provide documentation to clarify matters indicating violations of the Louisiana Insurance Code:

1. Complaint #714428, filed by US Premium Finance on July 6, 2018
2. Complaint #732740, filed by Moses Thompson, Jr. on February 27, 2019
3. Complaint #734882, filed by Steve Faulk on March 19, 2019
4. Complaint #816750, filed by Praxis Insurance Associates, LLC on May 4, 2021

Your response, dated September 8, 2021, stated, "There were a few accounts in 2017 and 2018 that did not get processed correctly. . . As I go through the files, I cannot find the evidence that all accounts were clear."

### **Complaint #714428**

This complaint was filed by US Premium Finance, alleging that you either failed to remit to insurance carriers the full amount of premium down payments paid by policyholders or misrepresented the premium amounts, and you refused to return unearned commissions for seven (7) cancelled policies: (1) Ron Thomas, dba Thomas Branded (Policy #NW107517101); (2) Cheryl Allen (Policy #GC70047259 and Policy #GC8001647); (3) Riveny Dugas, dba Helping Hands (Policy #NW107784901); (4) Kevin Lewis, dba Kevin's AC Service (Policy #NW108323600); (5) Steven Francis, Policy #qaa03598458-1 (balance due of \$352.12); (6) Jane Scott Foundation (Policy #3172116105, and Policy #CP00039348); and (7) Jaime Poche (Policy #GC70047369).

For Ron Thomas, Policy #NW107517101, you failed to remit the full amount of the policyholder's \$520.80 down payment and failed to return the unearned commission on the policy in the amount of \$118.95. Broker Builders & Tradesmen's Insurance Services, Inc. (BTIS, Inc.) has advised the LDI that you also failed to remit the \$203.00 premium due at cancellation for the actual coverage provided prior to cancellation of the policy. The total amount alleged to be owing for the policy is \$533.40.

For Ron Thomas's Policy # IM118594901, you failed to refund unearned commission in the amount of \$18.60.

BTIS, Inc. reported that, it withdrew its affiliation with you and terminated your appointment to write insurance following your failure to remit detailed above. Your September 8, 2021 response notes that the Fox Agency still writes business with BTIS—however, there is no BTIS affiliation registered with the LDI.

Regarding Cheryl Allen, you did not remit the \$333.01 down payment for Policy # GC80016407 and the \$342.65 premium down payment for Policy #GC70047259.

For the account of Steven Francis, All Purpose Service, LLC, Policy #qaa03598458-1, you did not remit the \$407.00 premium down payment collected by the Fox Agency. Your records indicate that you collected a premium down payment of \$425.00 from the policyholder.

Regarding the Jane Scott Foundation (Policy #CP00039348 and Policy #3172116105), you did not remit the \$10,000.00 premium down payment you collected from this policyholder.

For Jaime Pouche (Policy #GC70047369), you did not remit a \$402.84 premium down payment you collected from this policyholder.

As a result of down payments being withheld for these seven (7) policyholders by Fox Insurance Agency, LLC, policies were not fully funded and cancelled for nonpayment. Both the insurers and U S Premium Finance Company were defrauded. When the policies were canceled, the insurance carriers deducted unpaid amounts from the premiums returned to the finance company. As you are aware, down payments reported to be collected by you to the premium finance

company were a significant factor in determining the terms of the finance agreements made by the premium finance company. The broker agent and/or carrier suffered losses due to the short down payments and your failure to return unearned commissions. Moreover, the policyholders with outstanding balances were referred to collections after efforts to resolve the matter with the Fox Insurance Agency, LLC proved futile.

### **Complaint #732740**

Following investigation into the complaint (Complaint #732740) filed by Moses Thompson, Jr., it has been determined that, Mr. Thompson paid you the full premium balance for his homeowners insurance policy (Policy #LADS000472 with Lighthouse Property Insurance Corporation ("Lighthouse")), in the amount of \$1,127.00, and you did not remit the premium payment for his policy to Lighthouse. The Fox Agency deposited Mr. Thompson's premium check into its agency account. Additionally, Mr. Thompson paid \$325.00 for a mobile home policy premium that also was not remitted to the carrier.

The insurer, Lighthouse, informed the LDI that, instead of remitting the full premium balance you collected, you placed the homeowner's account on a 4-quarterly payment plan, and payments were made electronically. In January 2019, the first payment in the amount of \$486.00, from your account, was returned unpaid by the financial institution due to insufficient funds.

The insurer, Lighthouse, informed the LDI that, instead of remitting the full premium balance you collected, you placed the homeowners account on a 4-quarterly payment plan, and payments were made by you electronically. In January 2019, the first payment in the amount of \$486.00 was returned unpaid by the financial institution due to insufficient funds.

### **Complaint #734882**

Following investigation into the complaint filed by Steve Faulk (Complaint # 734882), it has been determined that you did not remit premium to his auto insurance carrier, Kemper Specialty Insurance ("Kemper"), resulting in a balance due of \$135.91 on a cancelled policy (Policy #CCFIGB-4355479), that was submitted to collections for nonpayment. Payment logs confirming the monthly premium payments were provided, and on August 1, 2018, Mr. Faulk made a cash payment of \$210.00 to your agency. Your check, in the amount of \$217.00, to Kemper for the policy was returned due to insufficient funds, along with an assessment of a late payment fee of \$7.00. The Kemper policy was then cancelled. The resulting past due insurance premium, after cancellation of the insurance for nonpayment on September 15, 2018, was turned over to a debt collector, Credit Collection Services ("CCS"). Your April 4, 2019, and April 15, 2019 correspondence advised the LDI that Fox Insurance Agency, LLC, subsequent to the Kemper policy being cancelled, you procured an auto insurance policy (Policy #924245181), for Mr. Faulk without his authorization through Progressive Security Insurance Company.

### **Complaint #816750**

Following investigation into the complaint (Complaint #816750 filed by insurance broker Praxis Insurance Associates, LLC ("Praxis"), regarding the account of policyholder JR Sandblasting & Painting, LLC for commercial insurance policy (#0100135009-0 underwritten by Kinsale

Insurance for the period of 12/10/2020 – 12/10/202), it has been determined that you failed to remit the \$500.00 premium down payment. As a result, coverage for this Louisiana policyholder was cancelled, and the insurer did not receive the minimum earned premium due when the policy was bound. In requesting that the policy be bound, you admitted to Praxis that you collected a premium down payment of \$500.00.

La. R.S. 22:2 maintains in pertinent part:

**§2. Insurance regulated in the public interest**

- A. (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. Pursuant to the authority contained in the Constitution of Louisiana, the office of the commissioner of insurance is created. It shall be the duty of the commissioner of insurance to administer the provisions of this Code. . . .

La. R.S. 22:18(A) maintains in pertinent part:

**§18. Suspension or revocation of insurers' 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 any 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.

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 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:

(3)The failure to account for or remit any premiums, monies, or properties belonging to another which come into the possession of the applicant in the course of doing insurance business, whether such premiums, monies, or properties belonging to policyholders, insures, beneficiaries, claimants, or others.

(4) Using fraudulent, coercive, or dishonest practices or misrepresentation, demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business such as might endanger the public.

La. R.S. 22:1562 maintains in pertinent part:

**§1562. Prohibited acts**

D (2) No person licensed as, or representing himself to be, an insurance producer shall fail to account for or remit any premiums, monies, or properties belonging to another which come into the possession of the applicant in the course of doing insurance business, or improperly withholding, misappropriating, converting, or failing to timely remit any premiums, monies, or properties received in the course of doing insurance business, whether such premiums, monies, or properties belong to policyholders, insurers, beneficiaries, claimants, or others.

La. R.S. 22:1924 maintains in pertinent part:

**§1924. Prohibited activities and sanctions**

A. (1)(a) 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.

(b) In addition to the criminal penalties provided in Subparagraph (a) of this Paragraph, the defendant shall make payment of restitution to the victim or victim company of any insurance payments to the defendant that the court determines were not owed and the costs incurred by the victim or 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 amount of the benefit that is the subject of the criminal act does not exceed one thousand dollars, the term of imprisonment shall not exceed six months, and any fine shall not exceed one thousand dollars on each count.

B. 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.

La. R. S. 22:1964 maintains in pertinent part:

**§1964. Methods, act, and practices which are defined as unfair or deceptive**

The following are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(8) **Rebates.** Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract of insurance including life insurance, life annuity or health and accident insurance, or agreement as to such contract other than as plainly expressed in the contract issued thereon or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, or selling, or purchasing or offering to give, sell, or purchase as inducement to such insurance or annuity or in connection therewith, any stock, bonds, or other securities of any insurer or other corporation, association, or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.

(12) Any violation of any prohibitory law of this state.

(13) **Fraudulent insurance act.** A fraudulent insurance act is one committed by a person who knowingly and with intent to defraud presents, causes to be presented, or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, producer, or any agent thereof any written statement as part of or in support of, or in opposition to an application for the issuance of, or the rating of an insurance policy for commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which he knows to contain materially false information concerning any fact material thereto; or conceal for the purpose of misleading information concerning any fact material thereto.

**VIOLATIONS:**

Failing to remit policyholder premiums constitutes violations of La. R.S. 22:1554(A)(3) and (4); La. R.S. 22:1562(D)(2); La. R.S. 22:1924 (1)(a) and (2)(a); La. R.S. 22:1964(12) and (13). The payment of policy premiums with your own funds constitutes a violation of La. R.S. 1964(8) and (12). The procurement of a new policy, without authorization, upon the cancellation of the prior policies that were canceled due to your failure to remit the premiums initially collected from policyholders constitute violations of La. R.S. 22:1924 (1)(a) and (2)(a); La. R.S. 22:1554 (A)(3) and (4); La. R.S. 1562(D)(2) and La. R.S. 1964(12) and (13). Failure to return unearned commissions and/or unearned premiums constitutes violations of La. R.S. 22:1554(A)(3) and (4); La. R.S. 22:1562(D)(2); and La. R.S. 22:1964(12) and (13).

**COMMISSIONER'S ACTION:**

As a result of the investigation and documentation in hand, the Louisiana Commissioner of Insurance, in accordance with La. R.S. 22:1554(A), La. R.S. 22:1969 and La. R.S. 49:961, hereby serves you notice that **Louisiana Producer License Number 583793** issued to the **Fox Insurance Agency, LLC** and **Louisiana Producer License Number 500514** issued to **Wendy Fox-Breaux** is hereby **REVOKED**, effective thirty (30) days from issuance of this notice. Additionally, due to the violations of the Louisiana Insurance Code, you are hereby **FINED FIVE THOUSAND DOLLARS (\$5,000.00)**, and you are ordered to pay the full amount 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 their requirements.

Please remit your \$5,000.00 fine payment and a copy of this notice to:

Louisiana Department of Insurance  
Attn: Accounts Receivable  
P.O. Box 94214  
Baton Rouge, LA 70804-9214

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

Notice of Revocation  
Fox Insurance Agency, LLC (Producer License #583793)  
Wendy Fox-Breaux (Producer License #500514)  
January 20, 2022  
Page 8 of 10

File in Person at:

1702 N. Third Street  
Baton Rouge, LA 70802

Signed in Baton Rouge, Louisiana this 20th day of January, 2022.

JAMES J. DONELON  
COMMISSIONER OF INSURANCE  
STATE OF LOUISIANA

BY:

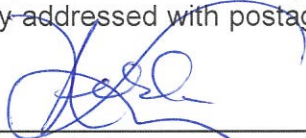
  
\_\_\_\_\_  
Matthew Stewart  
Deputy Commissioner  
Divisions of Fraud & Enforcement  
Louisiana Department of Insurance  
Telephone: (225) 219-5819



**CERTIFICATE OF SERVICE**

Article No.: 7019 2280 0001 1504 4871

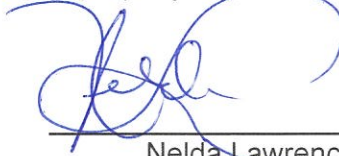
I hereby certify that I have this day served the foregoing document upon Wendy Fox-Breaux by mailing a copy thereof properly addressed with postage prepaid, this 20th day of January, 2022.

  
\_\_\_\_\_  
Nelda Lawrence

**CERTIFICATE OF SERVICE**

Article No.: 7019 2280 0001 1504 4888

I hereby certify that I have this day served the foregoing document upon the Fox Insurance Agency, LLC by mailing a copy thereof properly addressed with postage prepaid, this 20th day of January, 2022.



---

Nelda Lawrence