

No. **2024-8533**

**Official Order
of the
Texas Commissioner of Insurance**

Date: 2/16/2024

Subject Considered:

Go Maps Inc.
111 W. Evelyn Ave. Ste. 119
Sunnyvale, California 94086-6127

Consent Order
SOAH Docket No. 454-24-06954
TDI Enforcement File No. 29607

General remarks and official action taken:

This is a consent order with Go Maps Inc. (Go Maps), in its role as a managing general agent for Redpoint County Mutual Insurance Company (Redpoint). Redpoint and Go Maps used an unauthorized entity to adjust claims on Redpoint's personal automobile policies written through Go Maps in Texas. Together, they failed to timely handle and pay claims, and did not properly calculate statutory interest for late paid claims. In addition, Go Maps failed to timely respond to inquiries from the Texas Department of Insurance (TDI) about complaints from Redpoint's policyholders and claimants. Go Maps also used unregistered tradestyles in Texas, failed to notify TDI of changes to its controlling persons, and refused to make its claims and related records available to Redpoint for inspection. Go Maps consents to surrender its licenses and to cooperate with Redpoint in making restitution to certain qualifying claimants by making available to Redpoint all claims and policy data, information, and related records accessible to Go Maps and its officers, directors, or controlling persons as of the date of this order until December 31, 2026.

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Waiver

Go Maps acknowledges that the Texas Insurance Code and other applicable law provide certain rights. Go Maps waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

Findings of Fact

Licensure and Background

1. Under firm identification number 121567, Go Maps has held a general lines agency license with a property and casualty qualification with TDI since June 7, 2016, and a managing general agent (MGA) license with TDI since September 10, 2018.
2. Redpoint is a domestic county mutual insurance company currently holding a certificate of authority to transact business in Texas.
3. Redpoint and Go Maps are not affiliated or commonly owned. Redpoint has other MGAs that write insurance on its behalf.
4. Redpoint appointed Go Maps as a general lines agent in July 2018.
5. On August 1, 2018, Redpoint entered into an MGA contract with Incline Claims Services, LLC d/b/a Worth Claims Services (Worth Claims),¹ authorizing it to adjust claims on all policies produced by Go Maps for Redpoint, as well as on policies produced by two other affiliated MGAs, specifically Links Insurance Services, LLC (Links)² and Caroline General Agency LLC d/b/a Links Insurance Services (Caroline).³ Links and Caroline are affiliated with one another, but not with Redpoint or Go Maps.
6. In October 2018, Go Maps began writing personal automobile insurance for Redpoint.
7. Redpoint appointed Go Maps to act as one of its MGAs on January 6, 2021.

¹ Worth Claims has held an MGA license with TDI since April 20, 2016, under firm identification no. 119271.

² Links has held an MGA license with TDI since June 23, 2009, under firm identification no. 35389.

³ Caroline has held an MGA license with TDI since March 15, 2017, under firm identification no. 130205.

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8. Until March 2021, all claims on policies produced by Go Maps were adjusted and handled by Worth Claims.
9. Beginning in March 2021, Worth Claims began using adjusters provided by an unlicensed entity, Insurance Claims Associates Agency Inc. (ICA), for some claims on Redpoint policies produced by Go Maps.
10. According to TDI's records, ICA does not hold an adjuster license or any other license or authorization to engage in the business of insurance in Texas.
11. The records of the Texas Secretary of State show that ICA's sole officer and director is Daniel LaRue Deschamps (Deschamps).
12. TDI's records show that Deschamps does not presently hold any license or authorization to engage in the business of insurance in Texas, and did not hold any such license or authorization in Texas at any time after July 31, 2020.
13. TDI's records show Deschamps previously held an adjuster all-lines license from November 15, 2018, until July 31, 2020, when that license expired because he failed to renew it. Deschamps also previously held both a temporary life agent and life agent licenses, which expired in 2009 and 2013, respectively.

Go Maps Allowed an Unlicensed Entity to Adjust Claims

14. Texas law defines an adjuster to include a business entity which: investigates or adjusts losses on behalf of an insurer as an independent contractor or as an employee of a property and casualty agent, an independent contractor, an insurer, or an MGA; supervises the handling of claims; or, investigates, adjusts, or supervises the handling of, or settles workers' compensation claims.⁴
15. Since September 1, 2011, business entities have been required to hold an adjuster's license in order to perform the acts of an adjuster.⁵ To qualify for licensure, a business entity must also designate a licensed adjuster responsible for the entity's compliance with Texas law.⁶

⁴ TEX. INS. CODE § 4101.001(a)(1).

⁵ TEX. INS. CODE §§ 4101.001(a)(3) and (a)(5), 4101.051, and 4101.053(c).

⁶ *Id.*

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16. Effective May 1, 2021, Redpoint entered into a claims services agreement with ICA, in which Redpoint gave ICA claims adjusting authority for all claims and incidents in connection with claims or losses under Redpoint's policies produced by Go Maps. This authority included handling, reserving, and the settlement of claims on these policies. The term of the agreement was for one year, subject to certain termination provisions.
17. Go Maps represents that all individual ICA adjusters handling claims on Redpoint's policies were appropriately licensed.
18. ICA began handling the majority of the claims handling responsibilities at that time, but Worth Claims continued to print and mail claims checks. ICA was required to provide notice to Redpoint and Worth Claims on claims of serious injury, death, and potential extra-contractual obligation exposure.
19. Go Maps and Redpoint directed and instructed policyholders, claimants, their attorneys or representatives, and other insurers, to contact ICA directly about claims or losses at ICA's email address.
20. Go Maps and Redpoint allowed and encouraged ICA to communicate with policyholders, claimants, their attorneys or representatives, and other insurers orally and in writing, using ICA letterhead which identified ICA's website and email address.
21. Go Maps and Redpoint used and expressly authorized ICA to engage in the acts of an adjuster, when neither ICA nor its controlling person, Deschamps, was licensed to act as an adjuster in Texas.

Untimely and Improper Claims Handling and Failure to Timely Respond to TDI

22. By the fall of 2021, Go Maps began hiring its own in-house adjusters, but ICA continued to handle the majority of claims for Go Maps until January 28, 2022.
23. Starting around November 2021, TDI began receiving numerous complaints from policyholders, third-party claimants, and auto repair facilities, that Go Maps was engaging in improper claims handling practices with respect to the policies it produced for Redpoint. Specifically, the complaints alleged and demonstrated:

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- a. significant delays in claims handling;
 - b. failure to remit payment after accepting liability; and,
 - c. a widespread lack of communication with claimants.

24. Under TEX. INS. CODE § 38.001, TDI sent requests for information about each complaint to Redpoint and Go Maps, which they received. For most of the complaints, the responses to TDI were late, even after being granted an extension of time within which to respond.

25. When TDI received Redpoint's and Go Maps' responses and follow-ups, they acknowledged and admitted to delays in claims handling.

26. TDI investigated the complaints further and found that in both first-party and third-party claims, Go Maps, acting as Redpoint's MGA, failed to:
 - a. acknowledge with reasonable promptness communications on the claims;
 - b. promptly commence an investigation of the claims; and
 - c. timely settle claims in which liability had become reasonably clear.

27. In first-party claims specifically, Go Maps, acting as Redpoint's MGA, failed to:
 - a. acknowledge receipt of the claim;
 - b. send notice of acceptance or rejection of the claim not later than 15 business days after receiving all items to secure final proof of loss; and
 - c. timely pay the claim not later than the fifth business day after accepting liability.

28. Despite receipt of the final proof of loss and acceptance of liability, Go Maps, acting as Redpoint's MGA, also withheld or delayed payment of some claims for the following improper reasons:
 - a. awaiting co-payee information, such as title or lienholder information from either the claimant or lienholder;
 - b. awaiting a signed, power-of-attorney from the claimant;

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- c. awaiting receipt of a signed, Internal Revenue Service W-9 tax form from the repair person or facility;
 - d. the claimant did not respond to additional adjuster outreach or could no longer be contacted at their telephone number; or
 - e. the insured did not schedule an electronic payment within five days and a paper check was not issued, even though Redpoint and Go Maps represented to TDI that claims handling practice was in effect.
29. TDI's investigation further found that Go Maps, acting as Redpoint's MGA, incorrectly calculated statutory interest payments for some late-paid first-party claims by:
 - a. using an incorrect start date to calculate the date interest began to accrue, for example using the date they received:
 - i. co-payee information; or
 - ii. an odometer statement, after having made a total loss offer; and
 - b. deducting five days from the total days that interest accrued, while also deducting five days to allow for the insured to schedule an electronic payment.
30. Between May 2021 and February 2023, TDI received approximately 244 complaints about claims associated with the business Go Maps produced for Redpoint. These complaints accounted for about 1/3 of all complaints TDI received about Redpoint's business during that same time frame, which is inclusive of complaints about the business Redpoint reported producing through a total of 60 MGAs. In other words, the vast majority of complaints to TDI about Redpoint's policies were about Go Maps' conduct.

Subsequent Events

31. During the investigation, Go Maps represented to TDI that its claims payment practices associated with Redpoint's policies are as follows:
 - a. all third-parties are paid by paper check; and,
 - b. first parties are paid in one of three ways:

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- i. by electronic payment scheduled by the insured and deposited to an account designated by the insured;
 - ii. by paper check, but only on the insured's request; or,
 - iii. by paper check if the insured does not schedule electronic payment within five calendar days after Go Maps sends the payment notice.
32. On or about January 28, 2022, Go Maps removed ICA's access to Go Maps' claims system, thereby terminated ICA's claims adjusting activities associated with Go Map's policies produced for Redpoint. Go Maps then undertook those claims adjusting activities and assured Redpoint it was prepared to handle the claims.
33. Effective March 31, 2022, Redpoint terminated its agreement with Go Maps, prohibiting it from writing new business. Go Maps was instructed to run-off all policies in force, renew policies until they reached the 12-month anniversary of the policies' original effective dates in accordance with TEX. INS. CODE § 551.106(b), and to administer the existing policies and claims.
34. Redpoint and Go Maps informed TDI in July 2022 that there were a significant number of claims ICA opened but which Go Maps did not have any record of contact or which were not shown in Go Maps' customer system. They further represented:
 - a. ICA utilized its own internal system, which was supposed to be synchronized daily with Go Maps' internal system – but according to Go Maps, was not;
 - b. because of the lack of synchronization, Go Maps continued to discover claimants of which it was not previously aware; and,
 - c. when such an open claim was discovered, Go Maps then immediately set up the claim in its own system to begin handling.
35. Go Maps represents it did not use ICA to adjust claims associated with policies written by any other Texas insurers.
36. In November 2022, the relationship between Redpoint and Go Maps had deteriorated, and Redpoint engaged Embark General Insurance Adjusters, LLC

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(Embark),⁷ to handle the remaining open or incurred claims associated with business produced by Go Maps beginning in January 2023.

37. Redpoint instructed Go Maps to provide Embark with complete access to all claims and related records, however, Go Maps provided Embark with only some of the information for claims designated by Go Maps as open, and Go Maps refused to provide Redpoint and Embark with access to records for claims designated as closed.
38. In May 2023, TDI received information showing that after Redpoint terminated its agreement with Go Maps on March 31, 2022, Go Maps still wrote new Redpoint policies and renewed Redpoint policies beyond their 12-month anniversary. TDI sought an explanation from Go Maps about this misconduct, but Go Maps failed to respond.

Go Maps' Use of Unregistered Tradestyles

39. Go Maps registered the tradestyle "Go Mobile Insurance Agency" with TDI in 2016, but has not registered any other tradestyles or assumed names.
40. Some TDI complaints showed Go Maps used unregistered tradestyles in its communications with policyholders and claimants. Specifically, it used the names "Go Maps Insurance Services" and "Go Insurance."
41. In July 2022, Go Maps represented to TDI that it inadvertently used the tradestyle "Go Maps Insurance Services" in Texas because it uses that name in other states. At that time, Go Maps also represented it ceased use of both "Go Maps Insurance Services" and "Go Insurance," and did not intend any future use of those names in Texas.
42. Despite those representations, Go Maps continued to use the name "Go Insurance" without approval in Texas, as an MGA and in its role as the reported parent company of Peachtree Casualty Insurance Company (Peachtree),⁸ as described in Emergency Cease and Desist Order No. 2023-8150 entered by the Commissioner

⁷ Embark holds an adjuster's license with TDI under firm identification no. 146926.

⁸ NAIC ID 25755.

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of Insurance on August 28, 2023. According to TDI's records, Peachtree's name was not changed to "Go Insurance Company" in Texas, until October 16, 2023.

Failure to Notify TDI of Changes in Controlling Persons

43. TDI records show that Go Maps' officers, directors, and controlling persons are:
 - a. Kevin Pomplun (Pomplun), individual identification no. 1623345, chief executive officer, president, secretary, and 35% owner;
 - b. Dinesh Nair, individual identification no. 1623342, chief technology officer and 12% owner; and
 - c. Patricia Ledezma, individual identification no. 1972332, vice president and its designated responsible licensed person (DRLP).
44. On or about September 11, 2023, TDI records show that Go Maps submitted a FIN540 (agency address change request form) to update its mailing and business location addresses. In it, Go Maps also changed its designated contact person and email address to licensed adjuster, Trevor Engels (Engels), individual identification no. 1424391, but did not notify TDI of his association as an officer, director, or controlling person of Go Maps through submission of a FIN531 (biographical form and certification of license qualification following a change of control).
45. On or about October 5, 2023, Go Maps informed TDI by email that its General Counsel, Paula Whitten-Doolin, resigned. TDI has no record showing Go Maps previously added Whitten-Doolin as an officer, director, or controlling person of Go Maps, and TDI has no biographical information or fingerprints for her.
46. Go Maps failed to timely notify TDI of the addition of both Engels and Whitten-Doolin as officers, directors, or controlling persons of Go Maps, and has failed to submit a FIN531 and biographical information for each officer and director administering Go Maps' operations in Texas.

Commissioner's Order against Redpoint

47. On November 29, 2023, the Commissioner of Insurance entered a consent order against Redpoint, Official Order No. 2023-8361, in which Redpoint agreed to pay

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an administrative penalty of \$150,000, and to make complete restitution to certain harmed claimants, conditioned upon Redpoint's possession, custody, or control of sufficient claims and policy data or information from Go Maps to calculate any amounts or interest due to the "Qualifying Claimants," as defined in that order.

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051–82.055, 84.021–84.044, 101.001, 101.101–101.103, 101.151–101.156, 542.002–542.003, 542.010, 542.051–542.061, 4005.101–4005.102, 4051.051, 4053.101, 4053.151, 4101.051, and 4101.152.
2. The commissioner has the authority to informally dispose of this matter as set forth in TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 36.104 and 82.055; and 28 TEX. ADMIN. CODE § 1.47.
3. Go Maps has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. ICA does not hold any licenses or authorizations to perform the acts of an adjuster or to otherwise directly or indirectly engage in the business of insurance, as that term is defined in TEX. INS. CODE § 101.051, and it is not exempt or excepted from licensure or authorization.
5. Go Maps violated TEX. INS. CODE §§ 101.102(a), 4101.051, and 4101.152, by directly assisting ICA with engaging in the acts of an adjuster and the business of insurance in this state without licensure or authorization.
6. Go Maps failed to effectuate prompt, fair, and equitable settlements of claims with respect to which liability had become reasonably clear, in violation of TEX. INS. CODE §§ 541.060(a)(2)(A) and 542.003(b)(4).

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7. Go Maps violated TEX. INS. CODE § 542.003(b)(2) by failing to acknowledge with reasonable promptness pertinent communications relating to a claim arising under the insurer's policy.
8. Go Maps violated TEX. INS. CODE § 542.003(b)(3) by failing to adopt and implement reasonable standards for the prompt investigation of claims arising under the insurer's policies.
9. Go Maps violated TEX. INS. CODE § 542.003(b)(4) by not attempting in good faith to effect a prompt, fair, and equitable settlement of a claim submitted in which liability has become reasonably clear.
10. Go Maps violated TEX. INS. CODE § 542.056(a) by failing to timely notify claimants in writing of the acceptance or rejection of their claim after receiving all items, statements, and forms required by the insurer to secure final proof of loss.
11. Go Maps violated TEX. INS. CODE § 542.057(a) by failing to timely pay claims for which it had accepted liability.
12. Go Maps violated TEX. INS. CODE §§ 542.058 and 542.060 by failing to pay statutory interest on late paid claims, and in some instances, failing to pay the correct amount of statutory interest on late paid claims.
13. Pursuant to TEX. INS. CODE § 82.053, the commissioner is authorized to direct Go Maps to make complete restitution to each claimant harmed by the above violations.
14. Go Maps violated TEX. INS. CODE § 38.001(b) by failing to timely respond to reasonable requests for information sent by the department.
15. Go Maps failed to register an assumed name with TDI, in violation of 28 TEX. ADMIN. CODE § 19.902(a).
16. Go Maps committed acts for which a license holder may be disciplined under TEX. INS. CODE § 4005.101, as contemplated in TEX. INS. CODE § 4005.102. Specifically, Go Maps:

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- a. willfully violated an insurance law of this state, as contemplated by TEX. INS. CODE § 4005.101(b)(1); and,
 - b. engaged in fraudulent or dishonest acts or practices, as contemplated by TEX. INS. CODE § 4005.101(b)(5).
17. Go Maps violated TEX. INS. CODE §§ 4001.252(b)(1) and (c)(3) by failing to timely notify TDI of the addition or removal of an officer, director, or other controlling person, and by failing to submit biographical information for each executive officer, director, or unlicensed partner who administers its operations in Texas.
18. Go Maps violated TEX. INS. CODE § 4053.104(a) and (b) by failing to maintain separate records of the business handled by Go Maps for Redpoint, and by refusing to make the records available for inspection by Redpoint.

Order

It is ordered that any licenses held by Go Maps Inc. are surrendered as of the date of this order. Go Maps Inc. is barred from applying for the issuance of any permit, license, or other authorization issued or existing under the authority of the Commissioner of Insurance of the State of Texas for five years from the date of this order.

It is further ordered that Go Maps Inc. must comply with the following:

- 1) Go Maps must cooperate with Redpoint to make restitution to all claimants with Unpaid Claims or Late-Paid Claims, as those terms are defined below (the Qualifying Claimants). Specifically, Go Maps must make available to Redpoint all claims and policy data, information, and related records Go Maps has in its possession, custody, or control and which is accessible to Go Maps and its officers, directors, or controlling persons as of the date of this order. This claims and policy data, information, and related records will remain available to Redpoint until December 31, 2026.
- 2) Unpaid Claims: Unless there are records to demonstrate fraud, the Unpaid Claims include all first- and third-party claims in which Go Maps secured a final proof of loss and accepted liability but did not issue payment or improperly closed the claims without payment for any one of the reasons listed in Finding of Fact No. 28,

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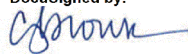
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from May 1, 2021, until the date of this order, together with interest (the Unpaid Claims); and,

- a. for all first-party Unpaid Claims, the restitution must include statutory interest, as required by TEX. INS. CODE § 542.060; and
 - b. for all third-party Unpaid Claims, the restitution must include simple interest, at the rate of five percent per annum.
- 3) Late-Paid Claims: The Late-Paid Claims include all delayed or late-paid first-party claims where statutory interest, as required by TEX. INS. CODE § 542.060, was incorrectly calculated for any one of the reasons listed in Finding of Fact Nos. 28 and 29, from May 1, 2021, until the date of this order (the "Late-Paid" claims).

This consent order pertains solely to the resolution of TDI's allegations against Go Maps Inc. in TDI Enforcement File No. 29607 and SOAH Docket No. 454-24-06954. This consent order does not: resolve any allegations or violations with respect to any other pending or anticipated Enforcement investigations; address or impact other TDI sections' and divisions' actions, proceedings, examinations, investigations, or duties; limit the authority of the commissioner or TDI to initiate any administrative, civil, or criminal proceeding; or, limit the authority of the commissioner or TDI to initiate any action, seek any remedy, or pursue any right, examination, investigation, or other action authorized by law.

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

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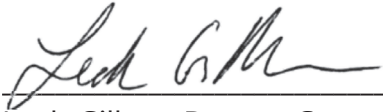
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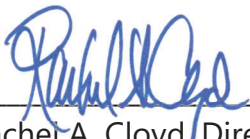
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Recommended and reviewed by:



Leah Gillum, Deputy Commissioner
Fraud and Enforcement Division



Rachel A. Cloyd, Director
Enforcement

Affidavit

STATE OF Texas §
 Harris §
COUNTY OF _____ §

Before me, the undersigned authority, personally appeared KEVIN POMPLUN,
who being by me duly sworn, deposed as follows:

"My name is KEVIN POMPLUN. I am of sound mind, capable of making
this statement, and have personal knowledge of these facts which are true and correct.

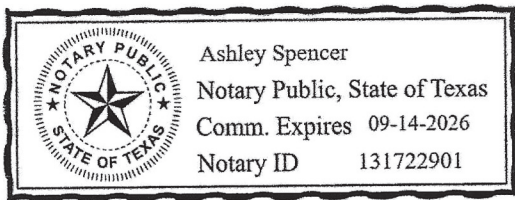
I hold the office of CEO and am the authorized representative of
Go Maps Inc. I am duly authorized by said organization to execute this statement.

Go Maps Inc. has knowingly and voluntarily entered into the foregoing consent order and
agrees with and consents to the issuance and service of the same by the commissioner of
insurance of the state of Texas."

Kevin Pomplun
Affiant

SWORN TO AND SUBSCRIBED before me on January 26th, 2024.

(NOTARY SEAL)



Notarized Online with NotaryLive.com

Ashley Spencer
Signature of Notary Public

Ashley Spencer
Printed Name of Notary Public

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Signed by: Ashley D Spencer
Time: 2024-01-27 03:29:47 UTC
URL: <https://notarylive.com>