

1 CALIFORNIA DEPARTMENT OF INSURANCE  
2 LEGAL DIVISION  
3 Teresa R. Campbell, SBN 162105  
4 Assistant Chief Counsel  
5 1901 Harrison Street, 4th Floor  
6 Oakland, California 94612  
7 Telephone: 415-538-4126  
8 Facsimile: 510-238-7830

9 Attorneys for  
10 CALIFORNIA DEPARTMENT OF INSURANCE

11 STATE OF CALIFORNIA  
12 DEPARTMENT OF INSURANCE  
13 OAKLAND

14 In the Matter of the License and Licensing Rights ) File No. LA201900234  
15 of: )  
16 ) **ACCUSATION**  
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28 )  
Respondent.

**JURISDICTION AND AUTHORITY**

1. On November 6, 2019, Respondent ENSURIAN AGENCY, LLC. (“Respondent Ensurian”) was issued non-resident insurance license number 60000358 to act as an Accident and Health Agent and Life-Only Agent. Said licenses are currently active.
2. Respondent Ensurian’s resident state is Delaware.
3. Alieria Companies is listed as the 100% owner of Respondent Ensurian.
4. JON ALAN HATCHER, (“Respondent Hatcher”) is the President of Respondent Ensurian and has been licensed by the Insurance Commissioner to act as a non-resident producer

1 Accident and Health and Life Only Agent since October 12, 2019. All of Respondent Hatcher's  
2 licenses are currently active. Respondent Hatcher is also named as the only natural person to exercise  
3 the powers of Respondent Ensurian.

4 5. Respondent Hatcher's resident state is Georgia.

5 6. California Insurance Code section 1668.5(a) states:

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7 "The commissioner may deny an application for any license issued pursuant to this  
8 chapter, and may suspend or revoke the permanent license of any organization licensed  
9 pursuant to this chapter as authorized by Section 1738, if the applicant or holder of the  
10 permanent license is an organization and a controlling person of the organization is any of  
11 the following:

12 (2) The controlling person has shown incompetency or untrustworthiness in the conduct  
13 of any business... ."

14 (3) The controlling person has knowingly misrepresented the terms or effect of an  
15 insurance policy or contract.

16 (4) The controlling person has failed to perform a duty expressly enjoined upon him or  
17 her by a provision of this code or has committed an act expressly forbidden by a provision  
18 of this code.

19 7. California Insurance Code section 1668.5(b) defines "controlling person" :

20 "As used in this section, 'controlling person' means a person who possesses, directly or  
21 indirectly, the power to direct or cause the direction of the management and policies of the  
22 organization, whether through the ownership of voting securities, by contract other than a  
23 commercial contract for goods or nonmanagement services, or otherwise, including, but not  
24 limited to, power that is the result of an official position with or corporate office held by  
25 the person. Control shall be presumed to exist if any person, directly or indirectly, owns,  
26 controls, holds with the power to vote, or holds proxies representing, more than 10 percent  
27 of the voting securities of the organization... ."

28 Respondent Hatcher is deemed a controlling person for Respondent Ensurian, pursuant to Insurance  
Code section 1668.5.

8. Insurance Code section 1739 provides that the license of an organization may be  
suspended or revoked for the acts or failure to act of any natural person licensee named on the  
organizational license. Hatcher is the sole owner and endorsee for Respondent Ensurian.

1           9.       Insurance Code section 1638.5 provides that “[U]nless denied licensure pursuant to  
2 Article 6 (commencing with Section 1666), a nonresident person shall receive a production agency  
3 license if he or she meets the following requirements: (a) The person is currently licensed and in  
4 good standing in the state, territory of the United States, or province of Canada in which he or she is  
5 licensed as a resident producer.

6           10.      On or about December 4, 2019, before the Department of Insurance for the State of  
7 Delaware, Respondent Ensurian’s licenses were “Surrendered with Prejudice” and that is its current  
8 status.

9           11.      Respondent Ensurian and Respondent Hatcher have marketed, sold, and solicited  
10 California consumers to purchase products offered by Trinity Healthshares, Inc. (“Trinity”) and/or  
11 Alieria HealthCare, dba Alieria Companies, Inc. (“Alieria”), two entities claiming to be Health Care  
12 Sharing Ministries (“HCSMs”).

13           12.      Respondent Ensurian and Respondent Hatcher have misrepresented the terms and  
14 conditions of the Alieria and/or Trinity products sold. Respondent Ensurian’s advertisements,  
15 solicitations, and other materials are deceptive and have the capacity and tendency to mislead or  
16 deceive consumers to believe they are purchasing traditional health coverage rather than a HCSM  
17 membership with no guarantee that claims will be paid and products that do not comply with the  
18 Affordable Care Act.

19           13.      Respondent Ensurian and Respondent Hatcher sell Alieria and/or Trinity products that  
20 do not cover preexisting conditions, abortion and/or contraception, or comply with the Mental Health  
21 Parity Act<sup>1</sup>, in violation of Insurance Code section 10112.27 and the PPACA.

22           14.      Alieria and Trinity do not meet the definition of HCSMs under the Internal Revenue  
23 Code, and therefore, individuals that receive benefits through their programs do not meet the  
24 California state individual health insurance mandate. Respondent Ensurian and Respondent Hatcher  
25 knew or should have known the products they sold were non-compliant with state law.  
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<sup>1</sup> Insurance Code § 10144.5



