

STATE OF NEW JERSEY
DEPARTMENT OF BANKING AND INSURANCE

IN THE MATTER OF:

ALIERA HEALTHCARE, INC. (License)
No. 1647593), doing business as The)
Aliera Companies, Inc., JESSICA)
BUDDINGTON (License No. 1676980),)
ALEXANDER CARDONA (License No.)
1631866), ENSURIAN AGENCY, LLC)
(License No. 3000658229), JON)
HATCHER (License No. 3000654413),)
And TRINITY HEALTHSHARE, INC.,)
Respondents.)

ORDER TO CEASE AND DESIST

TO: The Aliera Companies, Inc.
Attn: Chase Moses, President
990 Hammond Drive
Suite 700
Atlanta, GA 30328

Jessica Buddington
The Aliera Companies, Inc.
990 Hammond Drive
Suite 700
Atlanta, GA 30328

Alexander Cardona
The Aliera Companies, Inc.
990 Hammond Drive
Suite 700
Atlanta, GA 30328

Ensurian Agency, LLC
Attn: Jon Hatcher, President
913 N. Market Street
Suite 200
Wilmington, DE 19801
Jon Hatcher, President

Ensurian Agency, LLC
913 N. Market Street
Suite 200
Wilmington, DE 19801

Trinity Healthshare, Inc.
Attn: Joseph Guarino, III, President
5901-B Peachtree Dunwoody Road
Suite C160
Atlanta, GA 30328

THIS MATTER, having been opened by the Commissioner of Banking and Insurance (“Commissioner”), State of New Jersey, upon information that Alera Healthcare, Inc., doing business as The Alera Companies, Inc. (“Alera”), Jessica Buddington (“Buddington”), Alexander Cardona (“Cardona”), Ensurian Agency, LLC (“Ensurian”), Jon Hatcher (“Hatcher”), and Trinity Healthshare, Inc. (“Trinity”) (collectively referred to as “Respondents”), may have violated various provisions of the insurance laws of the state of New Jersey; and

WHEREAS, Order to Show Cause No. E20-31 was issued against Respondents on December 23, 2020; and

WHEREAS, Respondents are subject to the provisions of the New Jersey Insurance Producer Licensing Act of 2001, N.J.S.A. 17:22A-26 to -48 (“Producer Act”), and the regulations promulgated thereunder, N.J.A.C. 11:16-1.1 to -7.10, the Producer Licensing regulations, N.J.A.C. 11:17-1.1 to -2.17, the regulations governing Insurance Producer Standards of Conduct, N.J.A.C. 11:17A-1.1 to 11:17D-2.8, and the general penalty provision of N.J.S.A. 17:33-2; and

WHEREAS, pursuant to N.J.S.A. 17:22A-40(d), the Commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by the Producer Act and Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes against any person who is under investigation for or charged with a violation of the Producer Act or Title

17 of the Revised Statutes or Title 17B of the New Jersey Statutes even if the person’s license has been surrendered or has lapsed by operation of law; and

WHEREAS, under N.J.S.A. 17:1-15(j), the Commissioner may order any person violating any provision of Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes to cease and desist from engaging in such conduct; and

ORDER TO CEASE AND DESIST

IT APPEARING, that Trinity does not qualify as a Health Care Sharing Ministry (“HCSM”) under 26 U.S.C. § 5000A(d)(2)(B); and

IT FURTHER APPEARING, that Trinity does not possess a certificate of authority issued by the Commissioner to act as an insurer in New Jersey; and

IT FURTHER APPEARING, that Trinity has been operating, and continues to operate, as an unauthorized insurer in New Jersey, in violation of N.J.S.A. 17B:17-13(a); and

IT FURTHER APPEARING, that Alera does not possess a certificate of authority issued by the Commissioner to act as an insurer in New Jersey; and

IT FURTHER APPEARING, that Alera has been operating, and continues to operate, as an unauthorized insurer in New Jersey, in violation of N.J.S.A. 17B:17-13(a); and

IT FURTHER APPEARING, that Respondents have engaged in the transaction of the business of insurance, as defined at N.J.S.A. 17B:17-13(b), with respect to Trinity healthcare plans (“Trinity Plans”) developed, marketed, solicited and sold to New Jersey consumers, in violation of N.J.S.A. 17B:17-13(b); and

IF FURTHER APPEARING, that Respondents, on their own and through others, marketed, solicited and sold, and continue to market, solicit and sell, the Trinity Plans to New Jersey consumers, falsely representing Trinity to be a qualified HCSM that exempts its members from compliance with the “minimum essential coverage” required under N.J.S.A. 54A:11-3; and

IT FURTHER APPEARING, that Respondents' actions in marketing, soliciting and selling the Trinity Plans to New Jersey consumers subjected, and continue to subject, those unsuspecting consumers to liability for a penalty tax under N.J.S.A. 54A:11-3(b), contrary to Respondents' representations; and

IT FURTHER APPEARING, that Respondents' actions in marketing, soliciting and selling the Trinity Plans to New Jersey consumers are an unfair or deceptive act or practice in the business of life insurance, health insurance and annuities in violation of N.J.S.A. 17B:30-3; and

IT FURTHER APPEARING, that Respondents' actions in marketing, soliciting and selling the Trinity Plans to New Jersey consumers constitute the making, publishing, disseminating, circulating, or placing before the public, directly or indirectly, advertisements, announcements or statements containing assertions, representations or statements with respect to the business of insurance that are untrue, deceptive or misleading, and are unfair or deceptive acts or practices in the business of life insurance, health insurance and annuities in violation of N.J.S.A. 17B:30-4; and

NOW, THEREFORE, IT IS on this 23rd day of December 2020;

ORDERED, that Respondents, and their officers, directors, trustees, employees, agents and affiliates, IMMEDIATELY CEASE AND DESIST from the solicitation, negotiation, or sale of any and all HCSM products in the state of New Jersey; and

IT IS FURTHER ORDERED, that Respondents, and their officers, directors, trustees, employees, agents and affiliates, IMMEDIATELY CEASE AND DESIST from writing any new HCSM coverage or renewing any HCSM coverage for New Jersey insurance consumers; and

IT IS FURTHER ORDERED, that Respondents, and their officers, directors, trustees, employees, agents and affiliates, IMMEDIATELY CEASE AND DESIST from acting as insurers with respect to subjects of insurance resident, located or to be performed in this state, transacting

any insurance business in New Jersey, engaging in or transacting the unauthorized business of insurance in New Jersey, or otherwise violating in any way the insurance laws of the State of New Jersey, pursuant to N.J.S.A. 17B:17-13(a), N.J.S.A. 17B:17-13(b), N.J.S.A. 17B:30B-3 and -4, and N.J.S.A. 17:1-15(j); and

IT IS FURTHER ORDERED, that Respondents shall within ten days of the date of this Order to Cease and Desist provide the Commissioner with a list of all New Jersey residents currently covered by Trinity Plans, including name, mailing address, email address and telephone number; and

IT IS FURTHER ORDERED, that this Order to Cease and Desist shall remain in effect subject to the further order of the Commissioner; and

IT IS FURTHER ORDERED, that Respondents have the right to move to vacate this Order to Cease and Desist. Any motion to vacate this Order to Cease and Desist must be in writing and filed with the Commissioner within twenty (20) days of service of this Order to Cease and Desist by delivery to the Office of Regulatory Affairs, Department of Banking and Insurance, 20 West State Street, P.O. Box 325, Trenton, New Jersey 08625, with a copy to be sent to Virgil Downtin, Chief of Investigations, Department of Banking and Insurance, State of New Jersey, 20 West State Street, P.O. Box 329, Trenton, New Jersey 08625. A copy of the motion shall also be sent to Deputy Attorney General Jeffrey S. Posta, Banking and Insurance Section, 25 Market Street, P.O. Box 117, Trenton, New Jersey 08625-0117.



Marlene Caride
Commissioner