

BEFORE THE DEPARTMENT OF INSURANCE
OF THE STATE OF MISSISSIPPI

IN RE: SYLVESTER HOPSON
Administrative Proceeding No. 06-5439

FINAL ADMINISTRATIVE ORDER

This matter came on for hearing before Robert L. Perkins, Esq, the designee for the Commissioner of Insurance of the State of Mississippi (hereinafter the "Commissioner"), on the Notice of Hearing and Statement of Charges (hereinafter the "Notice") against Sylvester Hopson (hereinafter "Respondent"). Respondent appeared at the hearing in person, but was not represented by counsel. The hearing was conducted in the offices of the Mississippi Department of Insurance (hereinafter "Department"), 10th Floor, Woolfolk State Office Building, 501 North West Street, Jackson, Mississippi. The Commissioner, being fully advised in the premises, and finding he has jurisdiction over the parties and the subject matter, further finds as follows:

1. At the time of the hearing and at all other times relevant herein, Respondent was licensed as a resident Life, Accident and Health insurance producer. Respondent was properly served with the Notice. At the time of the hearing, Respondent had an application to renew his resident Life, Accident and Health insurance producer's license. Per Miss. Code Ann. §83-17-37(2), Respondent's current license continues to be in force until the renewal license is issued or denied for cause.
2. The Notice charged that Respondent was responsible for the unauthorized and fraudulent enrollment of Mrs. Zelma Creel, a retired resident of Pearl, Mississippi in a Medicare Advantage plan. In support of such charges, the Department introduced evidence by way of witness

testimony and documentary evidence. The Department subpoenaed Mrs. Creel's son, Danny Waggoner to testify. Mr. Waggoner testified that because of his mother's infirmities, he handled all her business affairs, which included managing her health care coverage. He stated that her enrollment in Wellcare was wholly unauthorized, and was unknown to him or any other family member until after the Wellcare coverage was in effect. He further testified that it was not Mrs. Creel's signature on the enrollment form and that he and his mother were out of the state on March 27, 2007, the date the enrollment form was allegedly signed. He also noted that the initials appearing in one section of the enrollment form were "ZM", whereas his mother's initials are "ZC."

3. Respondent was called as an adverse witness by the Department, and he testified directly on his own behalf. Respondent admitted that he had never been to Pearl, Mississippi, and that he had never met Mrs. Creel. He denied that he or anyone under his direction had enrolled Mrs. Creel in Wellcare, or that he would have received a commission from her enrollment. He admitted that his name and agent number appeared on Mrs. Creel's enrollment form, but he denied having completed the form.

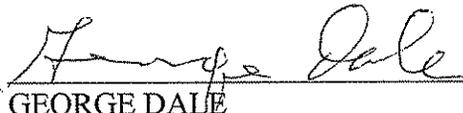
4. The Department's chief investigator, John Hornback, testified that based on documents provided to the Department by Wellcare, Respondent's name and agent number appear on the enrollment form, and that Wellcare verified that the commission would have been paid to Respondent but for Mrs. Creel's early disenrollment from the plan.

5. There is sufficient evidence to meet the burden of proof that Respondent affixed or allowed Mrs. Creel's forged signature to be affixed to an enrollment form for Wellcare in violation of Mississippi Code Ann. §83-17-71(1)(j)(Supp. 2006). Respondent further submitted

or allowed the fraudulent enrollment form to be submitted to Wellcare for his personal benefit, namely the commission that would have been paid to him but for Mrs. Creel's early disenrollment from the plan. Respondent's actions constitute fraudulent and dishonest practices, and demonstrates untrustworthiness in the conduct of business in this state in violation of Miss. Code Ann. §83-17-71(1)(h)(Supp. 2006). Respondent's application to renew his Resident Producer- Life, Accident and Health license should not be renewed, and his authority to engage in the business of insurance in the State of Mississippi should be revoked.

IT IS THEREFORE ORDERED that Respondent's application to renew his Resident Producer- Life, Health and Accident license shall be and hereby is denied, and his authority to engage in the business of insurance in the State of Mississippi shall be and hereby is revoked.

This the 11 day of December, 2007.



GEORGE DALE
Commissioner of Insurance
State of Mississippi

MISSISSIPPI DEPARTMENT OF REVENUE
Department of Revenue, P.O. Box 1000
Tallahassee, Florida 32304-1000

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