

**BEFORE THE MISSISSIPPI INSURANCE DEPARTMENT
STATE OF MISSISSIPPI**

**IN RE: MARK WARRINGTON D/B/A
 COTTON PLANT MOBILE HOMES A/K/A
 COTTON PLANT MOBILE HOMES, LLC
 INSTALLER/TRANSPORTER LICENSE # 10000052**

FINAL ADMINISTRATIVE ORDER

THIS MATTER came on for hearing before the Commissioner of Insurance of the State of Mississippi (hereinafter “Commissioner”), by and through his specially designated appointee, the Hon. Brandon White (hereinafter “Hearing Officer”), in the Office of the Commissioner, 10th Floor, Woolfolk State Office Building, 501 North West Street, Jackson, MS 39205, on Wednesday, May 7, 2014, at 09:30 o’clock a.m., pursuant to a Notice of Hearing and Statement of Charges brought against MARK WARRINGTON D/B/A COTTON PLANT MOBILE HOMES A/K/A COTTON PLANT MOBILE HOMES, LLC (“Respondent”) dated April 4, 2014. Respondent received notice of the hearing, as evidenced by proof of delivery via United States Mail, Certified Mail, to Respondent’s address of record. The Respondent failed to appear and participate in the meeting, and was in default. The Commissioner, based on the evidence presented at the hearing, makes the following findings of fact and conclusions of law by clear and convincing evidence:

FINDINGS OF FACT

That during the period of time that Respondent held a Mississippi license to operate as a Manufactured Home Retailer/Installer, the Respondent has failed to act with trustworthiness, integrity and competency in transacting its business, and it would be in the best interest of the public that Respondent’s license be revoked. Respondent’s conduct supporting this conclusion includes, but is not limited to, the following conduct:

(a) Respondent is found to have committed nineteen (19) separate violations of Miss. Code §75-49-19(1), Miss. Code Ann. §75-49-9(11) and 19 Miss. Admin. Code, Part 7, Chapter 6, Rule 6.08, in that, on divers occasions during the year of 2013, Respondent failed to pay installation inspection fees for

those home installations reflected on the invoice summary which was attached to the Notice of Hearing and Statement of Charges in this matter as Exhibit "1" [a part of Exhibit S-2 in the administrative hearing]. The total amount of unpaid and delinquent inspection fees by Respondent is Three Thousand Forty Dollars (\$3,040).

(b) Respondent is found to have committed four (4) separate violations of Miss. Code § 75-49-19(1), Miss. Code § 75-49-11, and 19 Miss. Admin. Code, Part 7, Chapter 6, Rule 6.08, by failing to timely certify with the State Fire Marshal's Office that installations have been completed in accordance with the requirements set forth by the MS Installation Standards. Specifically, the Respondent failed to contact the Fire Marshal's Office with the Installer Request for Inspection/Property Locator for the following factory-built homes installations performed by Respondent:

- (1) Lemon Rutherford spa Pete Rutherford, 20641A Hwy. 15, Faulkner, MS (Tippah County);
- (2) Joe E. Harris, at or about 67 Bostick Road in Union County, MS;
- (3) Neil Burns, 769 CR 75, New Albany, MS;
- (4) Michael Hutchens and wife, Connie Hutchins, 298 Wallhill Rd., Byhalia, MS.

(c) Respondent is found to have committed two (2) separate violations of Miss. Code § 75-49-19(1), Miss. Code § 75-49-11, and 19 Miss. Admin. Code, Part 7, Chapter 6, Rule 6.08, by failing to timely certify in writing that installation defects brought to the installer's attention have been corrected. Additionally, the Respondent is found to be in violation of the Dispute Resolution Program as set forth in 19 Miss. Admin. Code, Part 7, Chapter 5, Rule 5.03(P), through his failure to complete the necessary correction work and return the executed Affidavit/Correction Statements to the State Fire Marshal's Office within 60 days.

(d) Respondent is found to have committed two (2) violations of Miss. Code § 75-49-19(1), Miss. Code Ann. § 75-49-9, and 19 Miss. Admin. Code, Part 7, Chapter 5 (MH-5, Uniform Standards Code for Factory-Built Homes Law), Rule 5.02.4 (Retailers), in that, on divers occasions during the years 2011 through 2013, Respondent has engaged in the sale of Factory-Built homes within the State of

Mississippi without first obtaining a Retailer's license through the Office of the Mississippi State Fire Marshal / Commissioner of Insurance, including but not limited to the sale of the following homes:

- (1) Sale to Neil Burns in or about April of 2011;
- (2) Sale to Lemon Rutherford in or about March of 2013.

(e) It would be in the best interest of the public and the State of Mississippi that the Respondent's license as an Installer/Transporter of factory-built homes be revoked.

ORDER

IT IS, THEREFORE, ORDERED as follows:

1. That the Mississippi Installer / Transporter License No. 10000052 issued to Respondent, Mark Warrington d/b/a Cotton Plant Mobile Homes a/k/a Cotton Plant Mobile Homes, LLC, should be, and hereby is **REVOKED**.

2. Respondent is directed to cease and refrain from engaging in the transportation or installation of a factory-built home intended to be used for human habitation, until such time in the future as he may obtain a license from the Commissioner of Insurance for the State of Mississippi as required by § 75-49-9 of the Mississippi Code of 1972, as amended. Respondent is directed to remove from display any signs or other advertisements which could mislead a consumer into believing it is still conducting business as an Installer/Transporter of Factory Built Homes.

3. That Respondent, Mark Warrington d/b/a Cotton Plant Mobile Homes a/k/a Cotton Plant Mobile Homes, LLC, is indebted to the Mississippi Insurance Department for delinquent inspection fees, in the total amount of Three Thousand Forty Dollars (\$3,040) which is now due and payable.

4. That Respondent, Mark Warrington d/b/a Cotton Plant Mobile Homes a/k/a Cotton Plant Mobile Homes, LLC, is assessed an Administrative fine in the amount of Two Thousand Dollars (\$2,000) pursuant to the provisions of Miss. Code §75-49-19 (Supp. 2013).

5. Respondent, Mark Warrington d/b/a Cotton Plant Mobile Homes a/k/a Cotton Plant Mobile Homes, LLC, is directed to perform all work necessary to correct installation defects noted in all

outstanding Affidavits/Correction Statements which have been issued to Respondent prior to the date of this Final Administrative Order, and to return the Affidavit/Correction Statements to the State Fire Marshal's Office fully executed in evidence that the necessary correction work has been completed.

It is noted that because the Respondent failed to appear for the hearing herein, and was in default, that Respondent has no right to appeal the Order of the Commissioner, as per the provisions of § 75-49-13(6) of the Mississippi Code of 1972, as Amended.

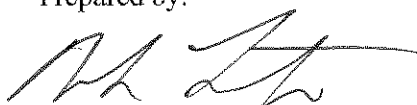
SUBMITTED BY:


Christina Kelsey, Hearing Officer

SO ORDERED, this the 18th day of May, 2014.


MIKE CHANEY
COMMISSIONER OF INSURANCE

Prepared by:


Mark Lampton, Esq.
Special Assistant Attorney General