

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

**IN RE: JAMES WINDELL BURKS
 Mississippi Insurance Producer License # 10237334**

ADMINISTRATIVE ORDER

This matter came on for hearing on June 3, 2014, at 10:00 a.m. before the Commissioner of Insurance for the State of Mississippi (hereinafter the “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, pursuant to the Notice of Hearing and Statement of Charges (Exhibit S-1) against James Windell Burks (hereinafter “Respondent”), having Mississippi Insurance Producer License # 10237334. Respondent after being duly and properly notified of said hearing in accordance with statutory requirements did fail to appear and was found in default. Such hearing was held 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, based upon the evidence presented at the hearing, makes the following findings of fact and conclusions of law by clear and convincing evidence:

FINDINGS OF FACT

I.

That James Windell Burks, sometimes hereinafter referred to as “Respondent”, violated the provisions of Miss. Code Ann. § 83-17-71(1)(d) and (h) (Supp. 2013) by improperly withholding, misappropriating or converting money received in the course of doing insurance business, and by demonstrating dishonest practices and incompetence,

untrustworthiness or financial irresponsibility in the conduct of business. This conduct specifically includes the misappropriation of client premiums, as described more fully in the Final Order and Initial Order of the Tennessee Department of Commerce and Insurance, which is attached to the Notice of Hearing and Statement of Charges (Exhibit S-1) as Composite Exhibit "A".

II.

That James Windell Burks violated the provisions of Miss. Code Ann. § 83-17-71(1)(b), (g) and (i) (Supp. 2013) by violating the insurance laws of the State of Tennessee, including but not limited to having been found by the Tennessee Department of Commerce and Insurance to have committed fraud and dishonest practices, and by having his insurance producer license in the State of Tennessee revoked.

III.

That James Windell Burks violated the provisions of Miss. Code Ann. § 83-17-81(1) (Supp. 2013) by failing to report to the Mississippi Insurance Commissioner the administrative action taken against Respondent by the State of Tennessee within thirty days of final disposition of the matter. The administrative action against Respondent in the State of Tennessee was finally disposed of on February 22, 2013, and as of the date of this Notice of Hearing and Statement of Charges (April 24, 2014), Respondent had still not reported the action to the Mississippi Insurance Commissioner.

IV.

Based on the evidence provided herein, the license of the Respondent to engage in the business of insurance as an insurance producer, Mississippi privilege license number 10237334, should be revoked.

In addition, the Respondent should be assessed an administrative fine in the amount of Two Thousand Dollars (\$2,000.00) payable to the Mississippi Department of Insurance and due immediately.

CONCLUSIONS OF LAW

V.

Respondent has violated the provisions of Miss. Code Ann. § 83-17-71(1)(d) and (h) (Supp. 2013) by improperly withholding, misappropriating or converting money received in the course of doing insurance business, and by demonstrating dishonest practices and incompetence, untrustworthiness or financial irresponsibility in the conduct of business.

VI.

Respondent has violated the provisions of Miss. Code Ann. § 83-17-71(1)(b), (g) and (i) (Supp. 2013) by violating the insurance laws of the State of Tennessee, including but not limited to having been found by the Tennessee Department of Commerce and Insurance to have committed fraud and dishonest practices, and by having his insurance producer license in the State of Tennessee revoked.

VII.

Respondent has violated the provisions of Miss. Code Ann. § 83-17-81(1) (Supp. 2013) by failing to report to the Mississippi Insurance Commissioner the administrative action taken against Respondent by the State of Tennessee within thirty days of final disposition of the matter.

ORDER

IT IS THEREFORE ORDERED, that the charges previously stated herein against the Respondent, James Windell Burks, shall be and by the same are hereby sustained.

IT IS FURTHER ORDERED, that the license granted to the Respondent, James Windell Burks, by the Commissioner, under privilege license number 10237334, to act as an insurance producer in the State of Mississippi, is hereby **REVOKED** effective immediately.

IT IS FURTHER ORDERED, that the Respondent is hereby assessed an administrative fine in the amount of Two Thousand Dollars (\$2,000.00), which shall be payable to the Mississippi Department of Insurance and due immediately.

It is noted that should the Respondent wish to appeal the Order of the Commissioner, he may follow the procedure set forth in § 83-17-83 of the *Mississippi Code of 1972, as Amended*.

SUBMITTED BY:



Brandon White, Hearing Officer

SO ORDERED, this the 11th day of June, 2014.



MIKE CHANEY
COMMISSIONER OF INSURANCE

Prepared by:



Mark Lampton, Esq.
Special Assistant Attorney General