

MISSISSIPPI DEPARTMENT OF INSURANCE

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RESPONDENT

VS.

CASE NO.: 17-7106

TRISCHELL VEAL

RESPONDENT

ORDER

THIS CAUSE came on for hearing before the Commissioner of Insurance of the State of Mississippi, sitting in a special session in the offices of the Commissioner of Insurance of the State of Mississippi, 10th Floor, Woolfolk State Office Building, 501 North West Street, Jackson, Hinds County, Mississippi on Tuesday, July 25, 2017 at 10:00 a.m. on the Notice of Hearing and Statement of Charges filed against Trischell Veal ("Respondent"), to hear evidence concerning the denial of Respondent's insurance producer's application. Having received notice of the hearing, the Respondent appeared via telephone and gave testimony. Kimberly Causey, Special Assistant Attorney General, represented the Department. Hearing Officer Christina Kelsey took testimony and accepted evidence in this matter. Based upon the evidence and testimony, and upon the recommendation given by the Hearing Officer, the Commissioner makes the following Findings of Fact and Conclusions of Law, to-wit:

AUTHORITY

Miss. Code Ann. §83-17-71(2) (Rev. 2011) provides if the action by the Commissioner is to nonrenew or to deny an application for a licensee, the Commissioner shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The Respondent made a written request for hearing on the denial, and it is the findings of that hearing that is the subject of this Order.

The basis of the denial of Respondent's license application was based alleged violations of any one or more of the following provisions:

1. Miss. Code Ann. § 83-17-71(1)(b) in that the Respondent has allegedly violated the insurance laws, or any regulation, subpoena, or order of the commissioner or of another state's commissioner, as will be more particularly described herein;
2. Miss. Code Ann. Section 83-17-71(1)(e) that such insurance producer has intentionally misrepresented the terms of an actual or proposed insurance contract or application for insurance, as will be more particularly described herein.

3. Miss. Code Ann. Section 83-17-71(1)(h) that such insurance producer has used fraudulent, coercive or dishonest practices or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business, as will be more particularly described herein.

Miss. Code Ann. Section 83-17-71(4) provides that the Commissioner of Insurance may in addition to, or in lieu of, the remedies provided in this section, after a hearing, impose an administrative fine of not more than One Thousand Dollars (\$1,000.00) per violation.

NOTICE AND HEARING

I.

That on or about May 3, 2017, the Commissioner of Insurance of the State of Mississippi, or his appointee, pursuant to Miss. Code Ann. § 83-17-71, gave the required notice to the Respondent of the Commissioner's intention to hold a hearing for the purpose of reviewing the Respondent's license application to act as an insurance producer in this state.

II.

That said Notice of Hearing and Statement of Charges was served on Respondent via certified mail.

III.

That pursuant to said Notice, a hearing was scheduled before the Commissioner of Insurance of the State of Mississippi, for 10:00 a.m. on Tuesday, July 25, 2017. The Respondent appeared via telephone, and gave testimony and evidence.

FINDINGS OF FACT

AFTER CONSIDERING all of the evidence presented, including the Findings and Recommendations of the Hearing Officer, which is hereby made part of this Order, the Commissioner of Insurance makes the following Findings of Fact:

IV.

Respondent had previously held an insurance producer's license with MID which she voluntarily surrendered on September 5, 2014. The Voluntary Surrender of License Agreement executed by Respondent included a requirement that Respondent would provide proof to the satisfaction of the MID that reimbursement to Settlers Life Insurance Company had been made by her before she would be entitled to file another application for a license as a producer. However, the Respondent did not reimburse Settlers Life Insurance Company in full; instead she included this reimbursement as a debt in her Bankruptcy case. As a result, the company had to write off the owed amount of \$20,818.02 as uncollectable due to the debt being included in Respondent's bankruptcy.

As the Respondent has failed to comply with the agreed upon terms of her Voluntary Surrender of License Agreement, it is the finding of the Commissioner of Insurance that she is in violation of Miss. Code Ann. Section 83-17-71(1)(b).

V.

Respondent was charged with violating the provisions of Miss. Code Ann. § 83-17-71(1)(h) (Rev. 2011) by using fraudulent and/or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state. When Respondent previously held an insurance producer's license, it was alleged that she conducted a scheme in which she submitted approximately forty-four (44) insurance applications with incorrect information, and then collected advance premiums in the amount of \$21,462.30 based on this incorrect information. The evidence showed that the incorrect information provided on said insurance applications included, at a minimum, the following:

1. Insured Incorrect Social Security Number
2. Insured Incorrect Date of Birth
3. Insured Incorrect Address
4. Insured Incorrect Child Status
5. Insured Invalid Phone number
6. Insured Invalid or Insufficient Banking Account
7. Suspicious Signature
8. No response from Insured
9. Insured Declined Coverage
10. Insured Withdrew Application
11. No payment by Insured

Based upon the evidence presented in the hearing, it is the finding of the Commissioner of Insurance that she is in violation of Miss. Code Ann. Section 83-17-71(1)(h).

VI.

The Respondent was charged with violating Miss. Code Ann. Section 83-17-71(1)(h) by using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility as an insurance producer. When Respondent previously held an insurance producer's license, it was alleged that she engaged in a scheme to collect advance commissions by submitting forty-four (44) insurance applications with incorrect information, as stated in Section V. of this Order.

During the hearing, Respondent testified that the incorrect information was the result of unintentional mistakes. However, even if the Respondent is truthful in her testimony that these were unintentional mistakes, the sheer number of these applications with incorrect information is evidence that, at a minimum, she has demonstrated incompetence while acting as an insurance producer in violation of Miss. Code Ann. Section 83-17-71(1)(h).

CONCLUSIONS OF LAW

IN LIGHT OF THE AFOREMENTIONED Findings of Fact, the Commissioner of Insurance finds that Respondent, Trischell Veal, has committed the following violations:

VII.

Miss. Code Ann. § 83-17-71(1)(b) in that the Respondent has allegedly violated the insurance laws, or any regulation, subpoena, or order of the commissioner or of another state's commissioner, as has been more particularly described herein in Paragraph IV. of this Order.

VIII.

Miss. Code Ann. Section 83-17-71(1)(e) that such insurance producer has intentionally misrepresented the terms of an actual or proposed insurance contract or application for insurance, in the commission of the acts that have been more particularly described herein in Paragraph V. of this Order.

IX.

Miss. Code Ann. Section 83-17-71(1)(h) that such insurance producer has used fraudulent, coercive or dishonest practices or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business, in the commission of the acts that have been more particularly described herein in Paragraph VI. of this Order.

JUDGMENT


IT IS, THEREFORE, ORDERED that the license application of the Respondent, Trischell Veal, is hereby **DENIED**. Should the Respondent wish to appeal the Order of the Commissioner, she may follow the procedure set forth in Miss. Code Ann. § 83-17-83 (Supp. 2011).

SO ORDERED, this the 28th day of July, 2017.



MIKE CHANEY
COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI

Report and Recommendation Submitted by:



CHRISTINA KELSEY
HEARING OFFICER