

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

**RE: THEODORE JOSEPH WEST
PRIVILEGE LICENSE NO. 771198**

CAUSE NO. 09-5972

ORDER

THIS CAUSE was scheduled for hearing before the Commissioner of Insurance of the State of Mississippi, in the offices of the Commissioner of Insurance of the State of Mississippi, 10th Floor, Woolfolk State Office Building, Jackson, Hinds County, Mississippi at 9:30 a.m. on Tuesday, August 4, 2009, to hear evidence concerning a Notice of Hearing and Statement of Charges that were brought against Theodore Joseph West (hereinafter "Respondent") on July 16, 2009. After service and notice Respondent appeared and gave testimony at the hearing. Brandon White, Esq. represented the Department. Hearing Officer Bobby Perkins took testimony and accepted evidence in this matter. The Commissioner of Insurance, based on the evidence presented at the hearing, makes the following Findings of Fact and Conclusions of Law, to wit:

STATEMENT OF CHARGES

The Respondent was charged with the following violations of law in the Notice of Hearing and Statement of Charges issued July 13, 2009.

1. Miss. Code Ann. §83-17-71 (Supp. 2008) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license, and may also levy a civil penalty in an amount not to exceed One Thousand Dollars (\$1,000.00) per violation, if, after notice to the applicant or licensee and the opportunity for a hearing, the Commissioner finds the applicant or licensee has committed a violation or violations of any

one or more of the provisions of Miss. Code Ann. §83-17-71, and in particular the following:

2. Miss. Code Ann. §83-17-71(1)(a) (Supp. 2008): Providing incorrect, misleading, incomplete or materially untrue information in the license application.
3. Miss. Code Ann. §83-17-71 (1) (b) (Supp. 2008): Violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's commissioner.

NOTICE OF HEARING

I.

That on or about July 13, 2009, the Commissioner of Insurance, or his appointed designee, 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 status of the Respondent's burial agent license application.

II.

Respondent was given notice by personal service of the Notice of Hearing on July 16, 2009, for hearing on August 4, 2009.

III.

On August 4, 2009, the Respondent appeared for said hearing.

FINDINGS OF FACT

After considering all of the evidence and testimony presented, the Commissioner of Insurance makes the following findings of fact:

IV.

The Respondent did provide incorrect, misleading, incomplete or materially untrue

information in the license application. The Respondent responded NO to the question: Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of a limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration? On August 15, 2008, the Office of the Mississippi Secretary of State Business Regulation and Enforcement Division issued a Final Cease and Desist Order and Order Imposing Administrative Penalty against the Respondent.

V.

The Respondent is found to have violated the insurance laws of the State of Mississippi by providing incorrect, misleading, incomplete or materially untrue information in the license application.

CONCLUSIONS OF LAW

In light of the aforementioned findings of fact, the Commissioner of Insurance finds that the Respondent has violated the following provisions:

VI.

The Respondent has violated Miss. Code Ann. § 83-17-71 (1) (b) (Supp. 2008) by providing incorrect, misleading, incomplete or materially untrue information in the license application.

VII.

The Respondent has violated Miss. Code Ann. § 83-17-71 (1) (a) (Supp. 2008) by violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's commissioner.


ORDER

It is therefore ordered that the charges previously filed herein against the Respondent are hereby sustained.

VIII.

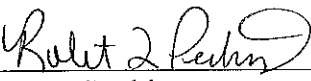
It is hereby Ordered that the Respondent's Burial Agent License Application is hereby **DENIED**. Should the Respondent wish to appeal the Order of the Commissioner, he may follow the procedure set forth in Miss. Code Ann. § 83-17-83 (Supp. 2008).

SO ORDERED, this the 2nd day of September, 2009.



MARK HAIRE
DEPUTY COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI

Report: Recommendation Submitted By:



Robert L. Perkins
Hearing Officer