

**STATE OF MISSISSIPPI
OFFICE OF THE COMMISSIONER OF INSURANCE**

**IN THE MATTER OF GLINDA SCOTT, A/K/A GLINDA WILLIAMS SCOTT, A/K/A
GLINDA WILLIAMS, A/K/A GLINDA F. SCOTT
INSURANCE PRODUCER LICENSE. #10372890**

FINDINGS AND ORDER

THIS CAUSE came on for hearing before the Commissioner of Insurance of the State of Mississippi (hereinafter “Commissioner”), by and through his specially designated appointee (hereinafter “Hearing Officer”), in the Office of the Commissioner, 10th Floor, Woolfolk State Office Building, 501 North West Street, Jackson, MS 39205, on Wednesday, October 7, 2015, at 1:30 p.m. , pursuant to a Notice of Hearing and Statement of Charges served on Glinda Scott, a/k/a Glinda Williams Scott, a/k/a Glinda Williams, a/k/a Glinda F. Scott, License #10372890 (Respondent). The Commissioner, by and through the designated Hearing Officer, Mr. Brandon White, having heard and considered all of the testimony and evidence produced by the parties herein, makes the following findings:

AUTHORITY

The hearing was held pursuant to the provisions of Miss. Code Ann. § 83-17-71, *et seq.* (Rev. 2011), providing for the licensing of insurance producers by the Mississippi Insurance Department (MID) and disciplinary actions against producers.

NOTICE AND HEARING

1. The Notice of Hearing and Statement of Charges was personally served upon Respondent on June 8, 2015 pursuant to Miss. Code Ann. § 83-17-71 (Rev. 2011). (Exhibit S-2)

2. Respondent was advised in the “Notice of Hearing and Statement of Charges” of her right to be accompanied and represented by legal counsel, to cross-examine any witnesses, to present evidence or testimony on her behalf, to have witnesses subpoenaed in order to give testimony and evidence on her behalf and to testify in her own behalf. (Exhibit S-1)
3. Pursuant to said notice a hearing was held at approximately 1:30 p.m. on October 7, 2015.
4. Respondent was present for the hearing, gave testimony but did not present evidence;
5. The Respondent was specifically charged with the following violations of law in the Notice of Hearing and Statement of Charges dated September 2, 2015:
 - a. 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 in that she collected insurance premiums from Linda Fields, Mary Jefferson, Flora Bowman and Francis Williams, who were paying multiple policies at Century Funeral Home in Yazoo City, Mississippi. Respondent marked the premium payer’s cards, collected their money then did not forward the premiums to Mississippi American Life Insurance Company (MALICO).

FINDINGS OF FACT

1. Respondent holds Mississippi insurance producer license No. 10372890.
2. On or about June 29, 2015, MID Investigator, Octavius Sample began an investigation into the Respondent’s business practices. Mr. Sample testified in detail that the four premium payers each produced a premium receipt books confirming that they had made premium payments (S-5, S-6, S-7 and S-8).

3. Witness Gayla Sanders, Secretary-Treasurer/Office Administrator for Mississippi American testified under oath that company did not receive the premiums referenced above resulting in the policies lapsing (S-3).
4. Mr. Jimmy Blissett, contract examiner, testified that he had received certain Century Funeral Home banking records. The Respondent had sole control over this account where premium payments were to be deposited and ultimately remitted to MALICO. His examination revealed that the Respondent regularly made cash withdrawals and made checks to cash. Mr. Blissett determined that the Respondent did not have authority to take money from this account (S-9)
5. Respondent admitted under oath that she had collected the premiums from the four policyholders and signed the premium receipt cards. She could not verify that those premiums were deposited into the Century account. She was offered the opportunity to explain why the net premiums were not remitted to MALICO or what happened to the money but she did not.

CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over this matter pursuant to Miss. Code Ann. § 83-17-71, *et seq.* (Rev. 2011), providing for the licensing of insurance producers by the MID and specifically providing for disciplinary actions against producers.
2. MID gave proper notice of the hearing and has fulfilled all relevant substantive and procedural requirements of law or rule.
3. MID Regulation Part I, Chapter 15, Rule 15.09, Para. L, Rules Regarding the Administrative Practice and Procedure before the Mississippi Insurance Department states the evidentiary standard for the hearing as follows; “Irrelevant, immaterial, and unduly repetitious evidence

shall be excluded. Any other evidence, oral or documentary, not privileged, may be received if it is a type commonly relied upon by reasonably prudent men in the conduct of their affairs.”

4. Statutes and regulations must be strictly construed in favor of the licensee. *McFadden V. Miss. State Board of Medical Licensure*, 735 So. 2d 145 (Miss. 1999).
5. Regarding the charge of violating the provisions of Miss. Code Ann. § 83-17-71(1) (h) (Rev. 2011), the sworn testimony and documents admitted into evidence clearly established that the Respondent collected policy premiums from Linda Fields, Mary Jefferson, Flora Bowman and Francis Williams and did not forward those payments to MALICO resulting in the their insurance policies lapsing. The Respondent thereby violated the provisions of Miss. Code Ann. § 83-17-71(1) (h) (Rev. 2011).
6. Miss. Code Ann. § 83-17-71(1) (Rev. 2011) provides that the Commissioner may “place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license or may levy a civil penalty in an amount not to exceed One Thousand Dollars (\$1,000.00) per violation”.
7. The aforementioned violations by Respondent constitute sufficient grounds for the imposition of disciplinary action per Miss. Code Ann. § 83-17-71(1) (Rev. 2011).

ORDER

IT IS, THEREFORE, ORDERED:

1. That the license of Respondent, Glinda Scott, a/k/a Glinda Williams Scott, a/k/a Glinda Williams and a/k/a Glinda F. Scott , to act as an insurance producer in the State of Mississippi, is hereby revoked.
2. Furthermore, Respondent, Glinda Scott, a/k/a Glinda Williams Scott, a/k/a Glinda Williams and a/k/a Glinda F. Scott shall be fined One Thousand Dollars

(\$1,000.00) for the violation to be paid to the Mississippi Insurance Department immediately.


SO ORDERED, this the 20th day of October, 2015.



MIKE CHANEY
COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI

Submitted by:


Brandon White
HEARING OFFICER

Prepared by:


Donald L. Kilgore
Special Assistant Attorney General