



MISSISSIPPI INSURANCE DEPARTMENT

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STATE OF MISSISSIPPI OFFICE OF THE COMMISSIONER OF INSURANCE

**IN THE MATTER OF CAROLYN SUZANNE JOHNSON, PRODUCER LICENSE
#9503716 AND SUZANNE JOHNSON INSURANCE AGENCY, LLC., LICENSE
#15020777, MISSISSIPPI INSURANCE DEPARTMENT FILE #16-7017**

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 12, 2016, at 1:30 p.m. , pursuant to a Notice of Hearing and Statement of Charges served on Carolyn Suzanne Johnson, Producer License #9503716 (Respondent). The Commissioner, by and through the designated Hearing Officer, Mr. Mark Lampton, having considered all of the 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 (1) which provides that the Commissioner of Insurance, after hearing, may place on probation, suspend, revoke or refuse to renew an insurance producer's license. Miss. Code Ann. §83-17-71

(3) provides that the Commissioner of Insurance may, after a hearing, suspend or revoke the license of a business entity when an individual licensee's violations were known or should have been known by one or more of the partners, officers or managers acting on behalf of the partnership or corporation and the violations were neither reported to the Commissioner nor corrective action taken. Further, the Commissioner may levy a civil penalty in an amount not to exceed One Thousand Dollars (\$1,000.00) per violation.

NOTICE AND HEARING

1. The Notice of Hearing and Statement of Charges were mailed by certified mail on August 30, 2016 and September 20, 2016 to Respondent at addresses provided by her to the department and an additional Notice of Hearing and Statement of Charges were mailed by first class mail, postage prepaid, on September 20, 2016 to an address provided by her.
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 his behalf, to have witnesses subpoenaed in order to give testimony and evidence on his behalf and to testify on his own behalf.
3. Respondent did not appear for the hearing.
4. The Respondent was specifically charged with five (5) violations of law in the Notice of Hearing and Statement of Charges dated August 30, 2016. Further, Respondent's Agency, Suzanne Johnson Insurance Agency, LLC, License #15020777 was charged with knowing of the licensee's violations and not reporting them to the Commissioner nor taking corrective action.

FINDINGS OF FACT

1. Respondent held a Mississippi Producer's License #9503716.
2. Respondent's Insurance Agency holds a License #15020777.
3. On or about September 9, 2016, Respondent filed with the MID an Individual Voluntary Surrender Form regarding her Producer License #9503716, which was accepted by the Commissioner on September 15, 2016. The Respondent did not surrender her Agency License #15020777 and this hearing was held on that issue.
4. The Respondent was the manager of Suzanne Johnson Insurance Agency, LLC, License #15020777 and was the only licensed producer at the Agency.
5. The Hearing Officer finds that Respondent knew of the violations of law since she committed the offenses and therefore, the Agency License should be revoked for its failure to report Respondent's misconduct to the Commissioner and its failure to make any corrective action.

CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over this matter pursuant to Miss. Code Ann. § 83-17-1, *et seq.* providing for the licensing of insurance producers and agencies by the MID and specifically providing for disciplinary actions against both.
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 charges of violating the provisions of Miss. Code Ann. § 83-17-71 (1) (d) and (h), the documents admitted into evidence clearly established that the five (5) charges were valid and substantiated.
6. Miss. Code. Ann. §83-17-71 (3) provides that the Commissioner may suspend or revoke the license of a business entity when violations of law were known by the principals and not reported to the Commissioner nor corrected.
7. The aforementioned violations by Respondent, Individually, and as Manager of Suzanne Johnson Insurance Agency constitute sufficient grounds for the imposition of disciplinary action.

ORDER

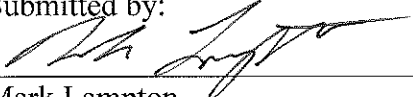
IT IS, THEREFORE, ORDERED:

1. That the Suzanne Johnson Insurance Agency, LLC, License # 15020777, is hereby revoked.
2. Furthermore, Respondent, Carolyn Suzanne Johnson and the Suzanne Johnson Insurance Agency shall be fined Five Thousand Dollars (\$5,000.00) to be paid to the Mississippi Insurance Department immediately.
3. Finally, before the Mississippi Insurance Department can consider an application for reinstatement, all outstanding forfeitures must be satisfied.


SO ORDERED, this the 19th day of October, 2016.



MIKE CHANEY
COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI

Submitted by:


Mark Lampton
HEARING OFFICER

Prepared by:


Donald L. Kilgore
Special Assistant Attorney General