

COPY

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

COMMISSIONER OF INSURANCE

PETITIONER

VS.

CAUSE NO. 08-5766

DONALD PUGH

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, June 4, 2008, at 11:00 a.m. on a complaint filed against Donald Pugh ("Respondent"), to hear evidence concerning said complaint, and the Commissioner, by and through his appointed hearing officer, Aaron Sisk, having heard and considered all of the testimony and evidence produced by all the parties involved, makes the following Findings of Fact and Conclusions of Law, to-wit:

NOTICE AND HEARING

I.

That on or about May 5, 2008, the Commissioner of Insurance of the State of Mississippi,

his appointee, pursuant to Miss. Code Ann. § 83-39-17 (Supp. 2007), gave the required notice to the Respondent of the Commissioner's intention to hold a hearing for the purpose of reviewing the status of Respondent Donald Pugh's Privilege License to operate as a Professional Bail Agent in the State of Mississippi.

II.

That said Notice of Hearing and Statement of Charges was sent to Respondent by certified mail, return receipt requested, in accordance with Miss. Code Ann. § 83-39-17 (Supp. 2007), at the address the Respondent provided to the Licensing Division of the Mississippi Department of Insurance.

III.

That pursuant to said Notice, a hearing was scheduled before the Commissioner of Insurance of the State of Mississippi, for 11:00 a.m., on Wednesday, June 4, 2008.

IV.

That Respondent Donald Pugh, after being duly and properly notified of said hearing in accordance with statutory requirements, did appear at said hearing at the stated time in order to testify and submit evidence.

FINDINGS OF FACT

AFTER CONSIDERING all of the evidence presented, the Commissioner of Insurance makes the following Findings of Fact:

V.

The Respondent has caused Orders of Revocation be sent to the Department due to his

failure to make full and prompt payment of the bail bonds issued by him. Since the Respondent entered into a Consent Order with the Department on January 11, 2008, wherein he agreed that no more Orders of Revocation would be sent to the Department, he has caused fifteen (15) Orders of Revocation be sent to the Department.

CONCLUSIONS OF LAW

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

VI.

That the Respondent Charles Pugh has violated the provisions of Miss. Code Ann. § 83-39-15(1)(d), as he has failed to comply with any proper order of the court in this state, as Respondent has failed to comply with orders of courts of proper jurisdiction, and such failure has resulted in the Department receiving fifteen (15) Orders of Revocation since Respondent entered into his Consent Order with the Department on January 11, 2008.

VII.

That the Respondent has violated the provisions of Miss. Code Ann. § 83-39-7 wherein the Respondent failed to make full and prompt payment of the bail bonds issued by him, resulting in fifteen (15) Orders of Revocation being received by the Department since Respondent entered into a Consent Order with the Department on January 11, 2008.

VIII.

That the Respondent has violated the provisions of Mississippi Department of Insurance Regulation 95-101, in the commission of those acts previously described herein in Paragraphs V.

through VII. of this Order.

ORDER

IT IS, THEREFORE, ORDERED that the charges previously filed herein against the Respondent Donald Pugh, should be and the same are hereby sustained.

IX.

As all forfeited bonds at issue have been set aside by the court of proper jurisdiction, the Respondent shall not have his privilege license revoked. However, he shall be on **PROBATION** with the Department for one (1) year of the date of this Order.

X.

As the Respondent has continually caused an excessive number of Orders of Revocation be sent to the Department, even after entering into a Consent Order with the Department wherein he agreed that no more Orders of Revocation would be sent to the Department, the Respondent is hereby fined an administrative penalty of Ten Thousand Dollars (\$10,000.00). However, Five Thousand Dollars of this fine is **SUSPENDED** provided that the Department does not receive any Orders of Forfeiture from any court dated July 15, 2008, or later. Should any Order of Forfeiture be received by the Department dated after that date, then , the Department will immediately reinstate said administrative fine and initiate procedures to revoke his privilege license to act as a Professional Bail Agent, Personal Surety.

XI.

As to the Five Thousand Dollar (\$5,000.00) fine that has not been suspended, the Respondent shall pay that amount to the Department within thirty (30) days of the date of this Order, or the

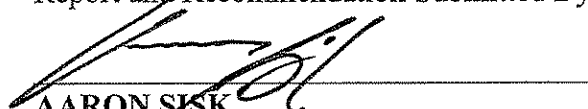
Department will immediately reinstate said administrative fine in its totality and initiate procedures to revoke his privilege license to act as a Professional Bail Agent, Personal Surety.

SO ORDERED, this the 12th day of June, 2008.



MIKE CHANEY
COMMISSIONER OF INSURANCE

Report and Recommendation Submitted By:



AARON SISK
Hearing Officer