

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

**IN RE:        THOMAS MARTIN BOEKHOUT**  
**Former Insurance Producer and Surplus Lines License No. 10122973**

**ABC INSURANCE SERVICES, LLC**  
**Former Agency License No. 15016254**

**FINAL ADMINISTRATIVE ORDER**

**THIS CAUSE** came on for hearing on Wednesday, October 2, 2024, at 10:00 a.m. CST before the Commissioner of Insurance for the State of Mississippi, by and through his specially designated appointee, Kim Causey (hereinafter “Hearing Officer”), pursuant to Notice of Hearing dated August 12, 2024, an Order of Continuance dated August 27, 2024, and another Order of Continuance dated September 5, 2024. Having received notice of the hearing, the Respondent, Thomas Martin Boekhout, individually and as representative for ABC Insurance Services, LLC, appeared and participated in the hearing. Mark Lampton, Senior Attorney for the Mississippi Insurance Department, represented the Mississippi Insurance Department. The State introduced several items of documentary evidence. The Respondent provided testimony at the hearing, but called no other witnesses than himself. Respondent did not submit any documentary evidence. Based upon the documentary evidence and testimony, and upon the recommendation given by the Hearing Officer, the Commissioner makes the following Findings of Fact, Conclusions of Law, and Order:

**I. AUTHORITY**

The Mississippi Department of Insurance is a duly constituted authority existing within the executive branch of the government of the State of Mississippi “charged with the execution of all laws (except as otherwise specifically provided by statute) now in force, or which may

hereafter be enacted, relative to all insurance and all insurance companies, corporations, associations, or orders.” *See Miss. Code § 83-1-1 (Rev. 2022)*. The Commissioner of Insurance is the chief officer of the Mississippi Department of Insurance. *See Miss. Code § 83-1-1 (Rev. 2022)*.

Pursuant to *Miss. Code. § 83-17-71(1) (Rev. 2022)*, 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 and such penalty shall be deposited into the special fund of the State Treasury designated as the “Insurance Department Fund” for any one or more of the following causes:

- (a) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
- (b) Violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state’s commissioner;
- (d) Improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business;
- (h) Using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

Pursuant to *Miss. Code § 83-17-71(6) (Rev. 2022)*, “No licensee whose license has been revoked hereunder shall be entitled to file another application for a license as a producer within one (1) year from the effective date of such revocation or, if judicial review of such revocation is sought, within one (1) year from the date of final court order or decree affirming such revocation. Such application, when filed, may be refused by the commissioner unless the applicant shows good cause why the revocation of his license shall not be deemed a bar to the issuance of a new license.”

Further, *Miss. Code § 83-17-71(4) (Rev. 2022)*, provides that in addition to or in lieu of any applicable denial, suspension or revocation of a license, a person may, after hearing, be subject to a civil fine not to exceed One Thousand Dollars (\$1,000.00) per violation.

## **II. NOTICE AND HEARING**

On August 7, 2024, the Commissioner, through his attorney, issued a Notice of Denial of Licensure Application pertaining to both Thomas Martin Boekhout and ABC Insurance Services, LLC. Pursuant to the Notice of Denial, the Respondents were afforded a period of ten (10) days to demand a hearing, and the Respondent did demand a hearing via an email dated August 9, 2024.

A Notice of Hearing was issued to the Respondent(s) on August 12, 2024, setting the matter for hearing on August 27, 2024, at 11:00 a.m. The Notice of Hearing was received by the Respondent(s) via email delivery on August 12, 2024, confirmed by delivery receipt. The hearing was continued twice at the Respondent's request, ultimately being set for hearing on October 2, 2024, at 10:00 a.m.

On October 2, 2024, at 10:00 a.m., the Respondent initially failed to appear and was declared in default. The attorney for the Department of Insurance submitted the following documents into the record:

### **PLEADINGS AND PROCEDURAL:**

- A. Notice of Hearing;
- B. Notice of Denial of Applications for Licensure (including Statement of Charges);
- C. Email from Thomas Martin Boekhout requesting a hearing, dated August 9, 2024;
- D. Email with delivery receipt providing Respondent(s) with the Notice of Denial;
- E. Email with delivery receipt providing Respondent(s) with Notice of Hearing;
- F. Order of Continuance to September 5, 2024;
- G. Order of Continuance to October 2, 2024.

### **STATE'S EXHIBITS FOR THE HEARING:**

- Exhibit S-1: Final Administrative Order dated July 8, 2023;
- Exhibit S-2: Amended Final Administrative Order dated January 20, 2022;

Exhibit S-3: Insurance Producer License application for Thomas Martin Boekhout;  
Exhibit S-4: Ins. Producer Business Entity License app. for ABC Ins. Services, LLC;  
Exhibit S-5: Letter from T. Boekhout submitted with his application.

The hearing was concluded and closed at 10:23 a.m., however, the Respondent arrived at the hearing location at approximately 10:45 a.m., advising that he had shown up at the Woolfolk Building at 9:30 a.m., had sat on three (3) different floors of the Woolfolk Building, including one for approximately 30 minutes, before he began exploring where he was supposed to be. Although the Notice of Hearing clearly designates the location for the hearing and Respondent has previously been to the location of the hearing when he attended a previous hearing on April 12, 2023, it was decided to accommodate Mr. Boekhout despite his tardiness, and the hearing was reopened at 10:47 a.m. to allow Respondent an opportunity to provide evidence by testifying at the hearing.

### **III. FINDINGS OF FACT**

**AFTER CONSIDERING** all of the evidence presented, using the standard of proof of “clear and convincing evidence”, the Insurance Commissioner makes the following Findings of Fact:

(1) Thomas Martin Boekhout (sometimes referred to as “Boekhout”), is an adult resident citizen of the State of Mississippi, who previously held an Insurance Producer’s License # 10122973, issued by the Mississippi Department of Insurance (MID).

(2) ABC Insurance Services, LLC (sometimes referred to as “ABC”), is a limited liability company incorporated in the State of Mississippi, whose registered agent and manager is Thomas M. Boekhout, as evidenced by its 2024 LLC Annual Report filed with the Mississippi Secretary of State.

(3) Boekhout filed an Insurance Producer License Application with MID dated July 25, 2024. The application in the “Background Information” section, question 1a, asks whether the applicant has been convicted of a misdemeanor, and if the answer is “yes”, then question 1c requires the applicant to provide “(a) a written statement explaining the circumstances of each incident, (b) a copy of the charging document, (c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.” Boekhout did answer this question as “yes” to reflect that he had been convicted of a misdemeanor, and wrote the word “marijuana” next to the question. Boekhout did not provide any of the documentation required in response to this question, and his application was therefore incomplete.

(4) Boekhout’s Insurance Producer License Application, in the “Background Information” section, question 2, responded “No” to the question “Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration.” Boekhout’s answer was incorrect and materially untrue, as Boekhout has previously been involved in administrative proceedings before the Mississippi Department of Insurance, as described more fully hereinbelow. Thomas Martin Boekhout testified at the hearing that he misunderstood the question and did not intentionally make this misrepresentation.

(5) An application for Insurance Producer Business Entity License was filed for ABC Insurance Services, LLC dated July 25, 2024, listing Thomas Martin Boekhout as the sole owner and as the designated responsible Mississippi licensed producer. While this application did admit that its owner has received a misdemeanor conviction (handwriting in “marijuana”) and also answered “yes” to whether the business was the subject of prior administrative proceedings, none of the documents required to be produced in response to these questions were provided by the applicant, and the application is therefore incomplete.

(6) An Amended Final Administrative Order, dated January 20, 2022, was entered by the Mississippi Insurance Department against Thomas Martin Boekhout and ABC Insurance Services, LLC, through which Boekhout's license was placed into a probationary status with specified conditions. Additionally, the license of ABC Insurance Services, LLC was revoked. The findings included several violations of *Miss. Code § 83-17-71*, including but not limited to:

- (a) violation of the provisions of *Miss. Code § 83-17-71(1)(d)* by improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business;
- (b) violation of the provisions of *Miss. Code § 83-17-71(1)(h)* by demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state; and
- (c) violation of *Miss. Code § 83-17-71(1)(b)* by failure to comply with a Subpoena issued by the State Insurance Commissioner.

(7) A Final Administrative Order, dated July 8, 2023, was entered by the Mississippi Insurance Department against Thomas Martin Boekhout and ABC Insurance Services, LLC, through which the Insurance Producer License of Thomas Martin Boekhout was revoked, and the application for license reinstatement of ABC Insurance Services, LLC was denied. The order included findings that Thomas Martin Boekhout:

- (a) "violated the provisions of the Amended Order dated January 20, 2022."
- (b) "violated the provisions of *Miss. Code § 83-17-71(1)(d)* by improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business."
- (c) "violated the provisions of *Miss. Code § 83-17-71(1)(h)* by demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state".

#### **IV. CONCLUSIONS OF LAW**

**IN LIGHT OF THE AFOREMENTIONED** Findings of Fact, the Commissioner finds the following with regard to the Statement of Charges herein:

CHARGE 1: That Thomas Martin Boekhout violated the provisions of *Miss. Code § 83-17-71(1)(a)*, by providing incorrect, misleading, incomplete or materially untrue information in his license application. This conclusion applies specifically to Respondent(s) failure to provide documentation relating to his disclosed conviction of a misdemeanor marijuana charge. No violation is being found relative to Mr. Boekhout's failure to acknowledge prior administrative actions against him because, although his answer was incorrect, Mr. Boekhout was credible in his assertion that he was genuinely confused on that question.

CHARGE 2: That Thomas Martin Boekhout has previously had an insurance producer license revoked by the Commissioner of Insurance for the State of Mississippi. Furthermore, Respondent has failed to show "good cause" why the revocation of his license should not be deemed a bar to the issuance of a new license. *See Miss. Code § 83-17-71(6)*. The Respondent's testimony included a number of excuses why his license should never have been revoked in the first place, blaming others for the circumstances he has found himself in. Respondent's testimony that he has a "changed heart" and is a "changed person" was unconvincing, and his ability to conduct insurance business for others in a professional manner remains doubtful. The evidence as a whole supports the conclusion that it is in the best interests of the consumers of insurance in this state to deny the Respondent's application.

CHARGE 3: That ABC Insurance Services, LLC in its application has no proposed designated responsible agent other than Thomas Martin Boekhout. As such, since Thomas

Martin Boekhout has not been granted an insurance producer license, then ABC Insurance Services, LLC does not qualify for licensure.

**V. ORDER**

**IT IS, THEREFORE, ORDERED** that that the Insurance Producer License application submitted by the Respondent, Thomas Martin Boekhout, is hereby **DENIED**.

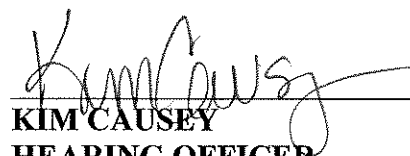
**IT IS FURTHER ORDERED** that the Insurance Producer Business Entity License filed for ABC Insurance Services is hereby **DENIED**.

It is noted that should the Respondent wish to appeal the Order of the Commissioner, he may follow the procedure set forth in § 83-17-83 of the Mississippi Code of 1972, as Amended.

**SO ORDERED**, this the 10<sup>th</sup> day of October, 2024.

  
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**MIKE CHANEY**  
**COMMISSIONER OF INSURANCE**  
**STATE OF MISSISSIPPI**

Recommended by:

  
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**KIM CAUSEY**  
**HEARING OFFICER**