

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

COMMISSIONER OF INSURANCE

PETITIONER

VS.

CAUSE NO. 08-5834

**BARRY CRANE
LICENSE NO. 8905164**

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, December 2, 2008, at 10:00 a.m. on the Notice of Hearing and Statement of Charges filed against Barry Crane ("Respondent"), to hear evidence concerning said complaint. Having received notice of the hearing, the Respondent, or a representative of Respondent, failed to appear and give testimony. Therefore, based upon the evidence, the Commissioner 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 October 22, 2008:

- Miss. Code Ann. Section 83-17-71(1)(b) that such insurance producer has violated any insurance laws, or violated any regulation, subpoena or order of the commissioner.
- Miss. Code Ann. Section 83-17-71(1)(d) that such insurance producer has improperly

withheld misappropriated or converted any monies or properties received in the course of doing insurance business, as will be more particularly described herein.

- Miss. Code Ann. Section 83-17-71(1)(h) that such insurance producer has used fraudulent, coercive or dishonest practices or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business, as will be more particularly described herein.
- Miss. Code Ann. Section 83-17-71(4) provides that the Commissioner of Insurance may in addition to, or in lieu of, the remedies provided in this section, after a hearing, impose an administrative fine of not more than One Thousand Dollars (\$1,000.00) per violation.

NOTICE AND HEARING

I.

That on or about October 22, 2008, the Commissioner of Insurance of the State of Mississippi, or his appointee, pursuant to Miss. Code Ann. § 83-17-71 (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's Privilege License to operate as an Insurance Producer in the State of Mississippi, and to revoke any current producer licenses the Respondent may hold.

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. § 83-17-71 (Supp. 2007), at the address Respondent provided to the Licensing Division of the Mississippi Department of Insurance. Records show that Respondent received the Notice on October 23, 2008.

III.

That pursuant to said Notice, a hearing was scheduled before the Commissioner of Insurance

of the State of Mississippi, for 10:00 a.m., on Tuesday, December 2, 2008.

IV.

That Respondent, Barry Crane, failed to appear and give testimony.

FINDINGS OF FACT

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

V.

On or about February 7, 2008, Respondent was producer authority as terminated by American General Life and Accident Insurance Company ("AGLA") due to Respondent writing two (2) checks to AGLA to cover a deficiency of \$2,875.20. Both checks were returned to the company for insufficient funds.

VI.

On or about August 12, 2008, Respondent was notified by Elmer Anthony, Service General Manager of AGLA, that an audit of Respondent's accounts showed the Respondent received premiums but failed to forward them to the insurance company. The audit showed that Respondent collected \$17,749.26 from policyholders and then failed to forward these monies to the company. Of this amount, \$7,783.16 remain outstanding to the company by the taking down Respondent's bond held by the company. As of this date, the Respondent has not reimbursed the company the remaining outstanding amount of \$7,783.16.

CONCLUSIONS OF LAW

IN LIGHT OF THE AFOREMENTIONED Findings of Fact, the Commissioner of

Insurance finds that Respondent, Barry Crane, has committed the following violations:

VII.

The Respondent violated the provisions of Miss. Code Ann. Section 83-17-71(1)(b) in that such insurance producer has violated any insurance laws, or violated any regulation, subpoena or order of the commissioner, in the commission of the acts that have been more particularly described herein in Paragraph V. and Vi. of this Order.

VIII.

The Respondent violated Miss. Code Ann. Section 83-17-71(1)(d) in that such insurance producer has improperly withheld misappropriated or converted any monies or properties received in the course of doing insurance business, in the commission of the acts that have been more particularly described herein in Paragraph V. and VI. of this Order.

IX.

The Respondent violated Miss. Code Ann. Section 83-17-71(1)(h) in that such insurance producer has used fraudulent, coercive or dishonest practices or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business, in the commission of the acts that have been more particularly described herein in Paragraph V. and VI. of this Order.

ORDER

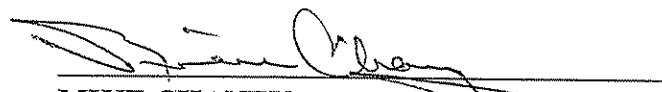
IT IS, THEREFORE, ORDERED that the charges previously filed herein against the Respondent, Barry Crane, should be and the same are hereby sustained.

IT IS FURTHER ORDERED, the privilege license of Respondent, Barry Crane, Privilege

License # 8905164, to act as an insurance producer in the State of Mississippi is hereby revoked.

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. 2007).

SO ORDERED, this the ~~3~~⁰⁸th day of December, 2008.



MIKE CHANEY
COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI