

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

**IN THE MATTER OF JIMMY L. JACKSON:
ACTION AGAINST RESIDENT PRODUCER LIFE,
HEALTH AND ACCIDENT LICENSE No. 9808473**

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 Thursday, March 26, 2009, at 3:00 p.m.¹, pursuant to a Notice of Hearing and Statement of Charges mailed to Mr. Jackson on March 13, 2009. The Commissioner, by and through the designated Hearing Officer, having heard and considered all of the testimony and evidence produced by the parties herein, makes the following findings:

Authority

The hearing herein was held pursuant to the provisions of Miss. Code Ann. § 83-17-51, *et seq.* (Supp. 2008), providing for the licensing of insurance producers by the Mississippi Insurance Department, and specifically under Miss. Code Ann. §83-17-71 (Supp. 2008), providing for disciplinary actions against producers.

Notice and Hearing

1. On or about March 13, 2009, the Commissioner, gave notice to Mr. Jackson of the Statement of Charges, and Proposed Action. Mr. Jackson admitted to receiving said notice.

¹ Said hearing was originally scheduled and noticed for 9:00 a.m., but due to Mr. Jackson's having car trouble, same was postponed, by agreement, to 3:00 p.m.

2. Pursuant to said notice, a hearing was scheduled for 9:00 a.m. on Thursday, March 26, 2009, but was postponed to 3:00 p.m. due to Mr. Jackson's having car trouble.

3. Mr. Jackson appeared at said hearing.

Findings of Fact

1. Mrs. Jettie Turner filed a complaint with the Department on October 15, 2008, alleging that she had been fraudulently enrolled in a Today's Options Medicare Advantage Plan in April 2007, by agent Jimmy Jackson. As stated in the Complaint, and as testified to by Mrs. Turner at the hearing, Mrs. Turner did speak with Mr. Jackson about the Today's Option program, but she had decided not to make any changes to her coverage. She did not know until several months later that she had been enrolled in Today's Options, and then only when she went to her doctor's office and found she would have to pay certain charges that should have been covered under her old plan. She testified that she never signed any enrollment forms.

2. An Affidavit of John T. Macklin, Jr., Vice President and Compliance Officer of the Pyramid Life Insurance Company (which sells the Today's Option plans), stated that he spoke with agent Jimmy L. Jackson on September 4, 2008, and that during said conversation Mr. Jackson informed him that Jackson had not personally met with Mrs. Turner and that Jackson had signed Mrs. Turner's name to the enrollment form.

3. Mr. Jackson, himself, testified at the hearing that he did not meet with Mrs. Turner in person, but that the entire transaction was handled over the telephone. He filled out the enrollment form using personal information of Mrs. Turner that he had from the previous sale to her of a Medicare Supplement policy. He admitted signing the enrollment form himself, as well as initialing all applicable spaces.

4. Mr. Jackson testified that it was not his intent to fraudulently enroll Mrs. Turner in the plan, and that he honestly believed that Mrs. Turner wanted to try the today's Options plan. He signed her name because he did not have time to go by her house personally and get her signature. When she contacted him about wanting to disenroll, he immediately took steps to make that happen, including calling the company and admitting that she had not signed the form.

5. At the hearing, all parties listened to a tape recording of a telephone interview Mrs. Turner had with Today's Options, as part of the enrollment process. There were parts where she states that she is happy with what she already had, but in other parts it appears she is acquiescing in the change.

Conclusions of Law

1. The testimony of Mrs. Turner, the Affidavit of John T. Macklin, Jr., and the admission of Jimmy L. Jackson, himself, clearly establish that Mrs. Jettie S. Turner's signature (and corresponding initials) on the Today's Options enrollment were forged by Mr. Jackson.

2. The forging of Mrs. Turner's signature constitutes a violation of Miss. Code Ann. § 83-17-71 (1)(h) (Supp. 2008): Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility on the conduct of business in this state or elsewhere. It further constitutes a violation of Miss. Code Ann. § 83-17-71(1)(j) (Supp. 2008): Forging another's name to an application for insurance or to any document related to an insurance transaction.

3. Said violations subject Mr. Jackson to the various disciplinary actions as set forth in Miss. Code Ann. § 83-17-71 (Supp. 2008).

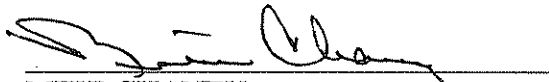
4. Even though the violation is clear, from listening to the interview tape of Mrs. Turner, one can see how Mr. Jackson may have thought that Mrs. Turner was agreeing to try the Today's

Option plan. This does not appear to be a blatant case of forgery, but rather a miscommunication coupled with poor judgment.

Order

IT IS, THEREFORE, ORDERED that Jimmy L. Jackson pay a fine in the amount of One Thousand Dollars (\$1,000.00). Said fine shall be payable to the Mississippi Department of Insurance within thirty (30) days of the date of this Order. Further, Jimmy L. Jackson shall remain on probation for a period of one year from the date of this Order, during which time he shall abide by all insurance laws of the State of Mississippi. Failure to abide by the terms of this Order may subject Mr. Jackson to further action by the Department.

SO ORDERED, this the 7th day of April, 2009.



MIKE CHANEY
COMMISSIONER OF INSURANCE