

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

**IN THE MATTER OF JOE LOUIS MOFFETT, D/B/A BINGO BONDING AGENCY,
PROFESSIONAL BAIL AGENT, LICENSE #2089
MISSISSIPPI INSURANCE DEPARTMENT FILE #16-6922**

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, April 20, 2016, at 1:30 p.m. , pursuant to a Notice of Hearing and Statement of Charges served on Joe Louis Moffett, Professional Bail Agent License #2089 (Respondent). The Commissioner, by and through the designated Hearing Officer, Mr. Brandon White, having heard and considered all of the testimony and evidence produced by the parties herein, makes the following findings:

AUTHORITY

The hearing was held pursuant to the provisions of Miss. Code Ann. §83-39-15 (Rev. 2014) which provides that the Commissioner of Insurance may deny, suspend, revoke or refuse to renew a license to engage in the business of professional bail agent and may assess an administrative fine in an amount not to exceed One Thousand Dollars (\$1,000,00) per violation after notice and hearing. Additionally, Mississippi Insurance Regulation No. 95-101, regarding Professional Bail Agent’s Fines and Penalties, authorizes the Commissioner of Insurance to permanently revoke a Professional bail agent’s license when the agent allows four Revocation Orders within twelve (12)

months of the first order being sent to the Mississippi Insurance Department (hereinafter "MID") and the agent may be fined up to Ten Thousand Dollars (\$10,000.00).

NOTICE AND HEARING

1. The Notice of Hearing and Statement of Charges was delivered by certified mail to Respondent on October 23, 2015 pursuant to Miss. Code Ann. § 83-39-17 (Rev. 2001).
2. Respondent was advised in the "Notice of Hearing and Statement of Charges" of his 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. Pursuant to said notice and Respondent's request for a continuance, said hearing was held at approximately 1:30 p.m. on April 20, 2016.
4. Respondent was present for the hearing, represented by legal counsel, cross examined witnesses and presented evidence and testimony.
5. The Respondent was specifically charged with the following violations of law in the Notice of Hearing and Statement of Charges dated January 13, 2016:
 - a. Miss. Code Ann. § 83-39-15 (1) (d) (Rev. 2014), by willful failure to comply with, or willful violation of a provision of this chapter, or of the proper order, rule or regulation of the department or any court of this state. Respondent was properly notified on October 23, 2015 that his professional bail agent's license was revoked on October 21, 2015 pursuant to a court order. Despite the notice of revocation, Respondent knew or should have known, that at least eight (8) bonds were written under his license number through Bingo Bonding Agency while his professional bail license was revoked.

- b. Miss. Code Ann. §83-17-15 (1) (f) by defaulting in payment to courts of bonds issued under Respondents' license resulting in 31 Revocation Orders being sent to the Mississippi Insurance Department since September 15, 2015.
- c. Mississippi Insurance Regulation 95-101 §3B (4) by having four or more Revocation Orders sent to the Mississippi Insurance Department within twelve months of the first Order.

FINDINGS OF FACT

1. Respondent holds Mississippi Professional Bail Agent License No. 2089.
2. On or about September 21, 2015, the MID received 13 Revocation Orders resulting in a Notice of Revocation being sent to Respondent on October 21, 2015. Respondent received that notice on October 23, 2015. Respondent's soliciting agents wrote at least 8 new bonds after the Respondent received the Notice of Revocation.
3. Since September 15, 2015, the Mississippi Insurance Department has received 31 Orders of Revocation, of which 20 have been set aside. As of the date of the hearing, Respondent had 11 outstanding Revocation Orders representing \$26,827.50 in unpaid forfeitures.
4. Witness Gregory Abadie, Deputy Licensing Director of the Mississippi Insurance Department, testified as to the accuracy of the STATEMENT OF CHARGES.
5. Respondent stated under oath that all of the charges were correct and he admitted to all of the infractions. He further testified that he thought the Court had reinstated his license in October, 2015 but he acknowledged that he knew that the Mississippi Insurance Department had to lift the revocation. Respondent admitted that he never received any notice of reinstatement from the MID. His position was that none of the infractions were on purpose.

CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over this matter pursuant to Miss. Code Ann. § 83-39-1, *et seq.*, providing for the licensing of professional bail agents by the MID and specifically providing for disciplinary actions against bail agents.
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 charge of violating the provisions of Miss. Code Ann. § 83-15 (1)(d) and (f), and Mississippi Insurance Regulation 95-101 §3B (4) the sworn testimony, including the Respondent’s admission of the charges, and documents admitted into evidence clearly established that eight (8) bonds were written under his license at a time when the Respondent’s license was revoked and that Respondent defaulted on 31 bonds since September 15, 2015 resulting in thirty-one (31) Revocation Orders being sent to the MID.
6. Miss. Code. Ann. §83-39-15 provides that the Commissioner may “deny, suspend, revoke, or refuse to renew as appropriate, a license to engage in the business of professional bail agent, soliciting bail agent, or bail enforcement agent” and in addition to these sanctions, “the

department may assess an administrative fine in an amount not to exceed One Thousand Dollars (\$1,000.00) per violation.”

7. Mississippi Regulation No. 95-101 §3B(4) authorizes the commissioner to permanently revoke the license of a professional bail agent where the agent allows four (4) Revocation Orders to be sent to the MID within twelve (12) months of the first order and the Agent may be fined up to Ten Thousand Dollars (\$10,000.00)
8. The aforementioned violations by Respondent constitute sufficient grounds for the imposition of disciplinary action.

ORDER

IT IS, THEREFORE, ORDERED:

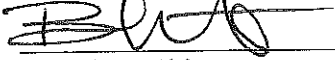
1. That the Professional Bail Agent License #2089 of Respondent, Joe Louis Moffett, D/B/A Bingo Bonding Agency, is hereby revoked.
2. Furthermore, Respondent, Joe Louis Moffett D/B/A Bingo Bonding Agency shall be fined One Thousand Dollars (\$1,000.00) to be paid to the Mississippi Insurance Department immediately.
3. Finally, before the Mississippi Insurance Department can consider an application for reinstatement, all outstanding forfeitures must be satisfied.

SO ORDERED, this the 3rd day of MAY, 2016.



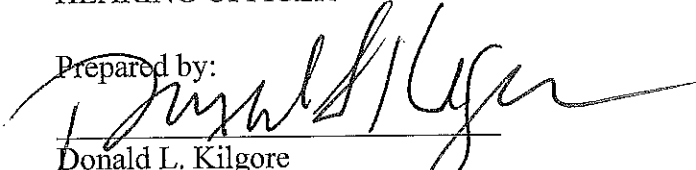
MIKE CHANEY
COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI

Submitted by:



Brandon White
HEARING OFFICER

Prepared by:



Donald L. Kilgore
Special Assistant Attorney General