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**STATE OF MISSISSIPPI
MISSISSIPPI INSURANCE DEPARTMENT**

**IN RE: MR. ANDREE MOZEE, SR.
LICENSE #10306545**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
FINAL ADMINISTRATIVE ORDER**

This matter came for a hearing before the Commissioner of Insurance of the State of Mississippi, (Commissioner), by and through his specially designated appointee (Hearing Officer) in the offices of the Mississippi Insurance Department, 10th Floor, Woolfolk State Office Building, 501 North West Street, Jackson, Mississippi on Wednesday, August 26, 2015, at 10:00 a.m., pursuant to a Notice of Hearing and Statement of Charges served on Mr. Andree Mozee, Sr., License #10306545 (Respondent). Mr. Jean Pelloat, Regional Vice President for Union National Life Insurance Company, and Mr. Michael McPhail, Acting District Manager, Union National Life Insurance Company represented Union National Life Insurance Company (Union). The Commissioner, by and through the Hearing Officer, Mr. John W. Eads, 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. § 83-17-71, *et seq.* (Rev. 2011), which provides for insurance producer licensing and disciplinary action by the Mississippi Insurance Department (MID).

Miss. Code Ann. § 83-17-71 (1) authorizes the Commissioner to place on probation, suspend, revoke, or refuse to renew an insurance producer's license or to 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".

STATEMENT OF FACTS

On July 21, 2014, the Mississippi Department of Insurance received information from Union National Life Insurance (hereinafter "Union") concerning the failure of Respondent to deposit at

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least \$225.25 collected from policyholders. Union stated that it applied Respondent's cash bond toward this amount leaving a \$199.49 balance due to the Company. Union terminated Respondent's contract with the company.

NOTICE AND HEARING

1. The "Notice of Hearing and Statement of Charges" (Noticed) was mailed to Respondent on July 28, 2015. (Exhibit S-1)
2. Respondent was advised in the Notice 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 in your own behalf.
3. Pursuant to said Notice, a hearing was held at approximately 10:00 a.m. on August 26, 2015.
4. Based upon an investigation conducted by Mr. Octavius Sample, MID Investigator, and material supplied by Mr. Pelloat, Respondent was charged with violating the following provisions of Miss. Code Ann. §83-17-71:
 - a. It is specifically charged that the Respondent violated the provisions of Miss. Code Ann. § 83-17-71(1)(b) by violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's commissioner.
 - b. It is specifically charged that the Respondent violated the provisions of Miss. Code Ann. § 83-17-71(1)(d) by improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business.
 - c. It is specifically charged that the Respondent violated the provisions of Miss. Code Ann. § 83-17-71(1)(h) by using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

(Exhibit S-2, S-3)

FINDINGS OF FACT

1. Union Staff Manager Steve Hackler conducted a field audit of Respondent in January, 2014. (S-2)
2. The audit discovered deficiencies in the premiums paid by policyholders which had not been entered into Respondent's handheld computer nor remitted to Union. (S-2)

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3. The deficiencies amounted to \$225.24. (S-2, S-4, S-5)
4. Mr. Mozee was terminated from Union on January 31, 2014. (S-2)
5. Union attempted to contact Respondent on February 5, 2014, to discuss the matter with no response. (S-2)
6. After Respondent's cash bond was applied to the deficiency, the net amount due Union was \$199.49. (S-2)
7. Union attempted to contact Respondent by certified mail on July 21, 2014, regarding the deficiency with no response. (S-2)
8. The Deficiencies are broken down as follows:

Exhibit	Policyholder	Deficiency
S-6	Peggy Gates	\$ 39.70
S-7	Debbie McDavid	\$ 85.52
S-8	Tommy Jones	\$ 40.77
S-9	Daisy Rogers	\$ 38.00
S-10	Chequita Waller	\$ 21.25
Total		\$ 225.24

9. Respondent denied the allegation that he did not forward the payments to the company and submitted documents purporting to support his position. (D-1, 2, 3, 4, 5)
10. D-1 is the same summary document as represented by S-4 and S-5. (D-1)
11. D-2 is a copy of S-7 Premium Receipt. (D-2)
12. D-3 appears to be a partial copy of a Premium Receipt for Chequita Walker. (D-3)
13. D-4 is a copy of S-9 Premium Receipt. (D-4)
14. D-5 appears to be a partial copy of S-8 Premium Receipt. (D-5)
15. D-6 appears to be a partial copy of a document pertaining to Tommy Jones. (D-6)
16. D-7 is a document purporting to show Respondent's last day working for Union of January 17, 2014. (D-7)
17. Respondent testified that printouts from his handheld computer would show that he submitted the payments to Union; however, Union testified that there are no printouts because the payments were not entered into the handheld computer; therefore there is no record of such, hence the charges. (Testimony)

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CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over this matter pursuant to Miss. Code Ann. §83-17-71, *et seq.* (Rev. 2011), providing for the licensing of insurance producers by the MID and specifically providing for disciplinary actions against producers.
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. Regarding the charge of fraudulent and dishonest practices under this code section Respondent clearly demonstrated mismanagement of funds or financial irresponsibility in the conduct of business in this state by failing to document and forward to Union the premiums for the five policies listed above, thereby violating the provisions of Miss. Code Ann. §83-17-71(1) (h) (Rev. 2011). Respondent is specifically “not guilty” of any act of moral turpitude, only mismanagement of funds.
5. Respondent is found to not have willfully violated the provisions of Miss. Code Ann. § 83-17-71(1)(b) by violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state’s commissioner.
6. Respondent is found to not have willfully violated the provisions of Miss. Code Ann. § 83-17-71(1)(d) by improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business.
7. Said violation subjects Respondent to the various disciplinary actions set forth in Miss. Code Ann. §83-17-71 (Rev. 2011).
8. Miss. Code Ann. §83-17-71(1) (Rev. 2011) provides that 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” for “(h) Using fraudulent, coercive or dishonest practices or demonstrating

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incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere”.


9. The aforementioned violation by Respondent constitutes sufficient grounds for the imposition of disciplinary action per Miss. Code Ann. §83-17-71(1) (Rev. 2011).


ORDER

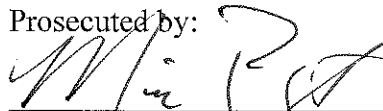
IT IS ORDERED that Mr. Mozee pay the balance due of \$199.49 to Union National Life Insurance Company within thirty (30) days of this order.

IT IS FURTHER ORDERED that before Mr. Mozee’s application for an Insurance Producer License Renewal will only be considered after he submits proof of payment in full of the aforementioned fine to the Mississippi Insurance Department.

SO ORDERED, this the 31st day of August, 2015.


MIKE CHANEY
COMMISSIONER OF INSURANCE

Submitted by: 
JOHN W. EADS
HEARING OFFICER

Prosecuted by: 
Michelle C. Partridge
Special Assistant Attorney General