



MISSISSIPPI INSURANCE DEPARTMENT

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BEFORE THE DEPARTMENT OF INSURANCE OF THE STATE OF MISSISSIPPI

**IN THE MATTER OF RICHARD N. WHITMAN;
ACTION AGAINST INSURANCE PRODUCER
LICENSE No. 10153494**

FINDINGS AND ORDER OF REVOCATION

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"), on the 10th Floor, South Conference Room, Woolfolk State Office Building, 501 North West Street, Jackson, MS 39205, on Thursday, November 13, 2014 at 9:30 a.m., pursuant to a Notice of Hearing and Statement of Charges letter mailed to Richard N. Whitman on October 17, 2014. 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. 2012) providing for the licensing of insurance producers by the Mississippi Insurance Department, and specifically under *Miss. Code Ann.* § 83-17-71 (Supp. 2012), providing for disciplinary actions against producers.

Notice and Hearing

1. A Notice of Hearing and Statement of Charges letter was sent certified mail, return receipt requested, to Mr. Whitman on October 17, 2014, at the address he provided to the Department.

2. A return receipt for the Notice of Hearing and Statement of Charges letter was produced to the Mississippi Insurance Department from the United States Postal Service on October 27, 2014 reflecting that Mr. Whitman had signed for and accepted the certified letter on October 21, 2014 at 9:20 a.m., and thus was afforded proper notice.
3. Pursuant to said Notice letter, a hearing was scheduled for Thursday, November 13, 2014 at 9:30 a.m.
4. Richard N. Whitman failed to appear at said hearing.

Findings of Fact

1. Mr. Whitman provided incorrect, misleading and materially untrue information in the licensing application when he responded “No” to the question, “Have you been convicted of a crime, had a judgment withheld or deferred, or are you *currently charged* with committing a crime, which has not been previously reported to this state?” on two separate licensing applications: 02/28/2011 and 02/28/2013 respectively. Mr. Whitman was indicted in 2010 for possession of Amphetamine (40 units) and for burglarizing multiple automobiles. Mr. Whitman pled guilty to the Amphetamine charges and was sentenced in July 17, 2013. Respondent is therefore in violation of *Miss. Code Ann.* § 83-17-71(1) (a) by providing incorrect, misleading, incomplete or materially untrue information on both licensing applications on 02/28/2011 and 02/28/2013.
2. Mr. Whitman pled guilty to Grand Larceny and was sentenced on July 17, 2013. Respondent is therefore in violation of *Miss. Code Ann.* § 83-17-71(1) (f) by having been convicted of a felony.


Conclusions of Law

1. Mr. Whitman is in violation of *Miss. Code Ann.* § 83-17-71(1) (a) by providing incorrect, misleading, incomplete or materially untrue information on both licensing applications on 02/28/2011 and 02/28/2013 as well as of *Miss. Code Ann.* § 83-17-71(1)(f) having been convicted of a felony.
2. Said violations subject Mr. Whitman to the various disciplinary actions set forth in *Miss. Code Ann.* § 83-17-71 (Supp. 2012); specifically, the Commissioner may revoke his insurance producer license and level a civil penalty of \$1,000.00 per violation.

Order


IT IS THEREFORE ORDERED: The insurance producer license of **Richard N. Whitman** is hereby revoked and he is assessed a fine of \$2,000.00.

Submitted by:



Brandon White, Hearing Officer

SO ORDERED, this the 20 day of November, 2014.



MIKE CHANEY
COMMISSIONER OF INSURANCE

Prepared by:



Corey Aiken

Staff Attorney