

**BEFORE THE DEPARTMENT OF INSURANCE
FOR THE STATE OF MISSISSIPPI**

**IN RE: TAKARA LUCILLE THOMPkins
 Insurance Producer License No. 10680747**

FINAL ADMINISTRATIVE ORDER

THIS CAUSE came on for hearing on Tuesday, December 8, 2020 at 10:00 a.m. CST before the Commissioner of Insurance of the State of Mississippi, by and through his specially designated appointee, the Hon. Phillips Strickland (hereinafter "Hearing Officer"), via teleconference hearing, pursuant to Notice of Hearing and Statement of Charges dated October 27, 2020. Having received notice of the hearing, the Respondent, Takara Lucille Thompkins, did not call into the teleconference. Mark Lampton, Special Assistant Attorney General, represented the Mississippi Insurance Department and was present at the hearing. The State called one witness, Sharon Womack, Investigator for Mississippi Insurance Department. Based upon the evidence and testimony, upon the recommendation given by the Hearing Officer, and using a standard of proof of "clear and convincing evidence", the Commissioner makes the following Findings of Fact and Conclusions of Law, to-wit:

I. AUTHORITY

Miss. Code §83-17-71(1) provides that the Commissioner of Insurance 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) per violation for any one or more of the following causes:

- (a) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
- (b) Violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's commissioner;
- (c) Obtaining or attempting to obtain a license through misrepresentation or fraud.

Pursuant to *Miss. Code § 83-17-81 (1) (Supp. 2019)*, "[a] producer shall report to the commissioner any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty (30) days of the final disposition of the matter. This report shall include a copy of the order, consent to order or other relevant legal documents."

Further, *Miss. Code § 83-17-71(4) (Supp. 2019)*, provides that in addition to or in lieu of any applicable denial, suspension or revocation of a license, a person may, after hearing, be subject to a civil fine not to exceed One Thousand Dollars (\$1,000.00) per violation.

II. NOTICE AND HEARING

On or about October 27, 2020, the Commissioner of Insurance of the State of Mississippi, by and through legal counsel, pursuant to Miss. Code § 83-17-71, 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 potentially revoke any current producer licenses the Respondent may hold or impose an administrative fine as authorized by law. The Notice of Hearing and Statement of Charges was served upon Respondent via certified mail, which was delivered to and received by the Respondent on November 3, 2020, as evidenced by the Certified Mail receipt which was introduced into evidence (Exhibit S-7).

III. FINDINGS OF FACT

AFTER CONSIDERING all of the evidence presented, including the Findings and Recommendations of the Hearing Officer, the Commissioner of Insurance makes the following Findings of Fact:

1. The Respondent, Takara Lucille Thompkins, having Mississippi Insurance Producer License Number of 10680747, is a non-resident insurance producer licensed in the State of Mississippi, who applied for her insurance producer license on June 1, 2020, and had her license approved and issued effective on July 17, 2020.

2. Respondent was involved in an administrative proceeding before the Michigan Department of Insurance and Financial Services, which issued an Order dated February 22, 2019, levying a civil penalty of \$7,500 against Respondent for selling motor club memberships in conjunction with insurance transactions and failing to obtain the informed consent of customers to the sale of said memberships. Respondent was clearly aware of those proceedings, and she signed a Stipulation to Entry of Order in those proceedings on February 8, 2019.

3. Respondent provided incorrect and materially untrue information on her Mississippi Insurance Producer License Application, by answering the question "Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?" with the response "No". Respondent submitted the license application to the Mississippi Insurance Department on or about June 1, 2020. Respondent's misrepresentation on her licensure application was material, in that such action was significant enough that it could have affected the decision whether her Mississippi license should have been issued.

4. In addition to the foregoing administrative action taken by the State of Michigan, the following administrative actions were taken against Respondent in other jurisdictions:

- (a) Denial of License Application by the Illinois Department of Insurance, on or about July 14, 2020;
- (b) Administrative Penalty in the amount of \$250 imposed by the Louisiana Department of Insurance, through "Notice of Fine for Takara Thompkins" dated on or about June 12, 2020.

5. As of December 8, 2020, the Respondent, Takara Lucille Thompkins, had not reported to or provided notice to the Mississippi Insurance Department, of the administrative actions against her in the States of Illinois or Louisiana.

6. The evidence included a written explanation from the Respondent, dated June 3, 2020 (Exhibit S-3), in which she asserted that the incorrect response included on her licensing application was due to her failure to ensure that her corporate licensing department, which submitted the application on her behalf, was aware of the administrative action taken in Michigan. Respondent stated that she “should have ensured the responses were accurate before submission.”

IV. CONCLUSIONS OF LAW

IN LIGHT OF THE AFOREMENTIONED Findings of Fact, the Commissioner of Insurance finds that Respondent, Takara Lucille Thompkins, has committed the following violations:

CHARGE 1: Respondent, Takara Lucille Thompkins, violated the provisions of *Miss. Code § 83-17-71(1)(a) (Supp. 2019)* by providing incorrect and materially untrue information on her Mississippi Insurance Producer License Application.

CHARGE 2: Respondent, Takara Lucille Thompkins, violated the provisions of *Miss. Code § 83-17-71(1)(c) (Supp. 2019)*, by obtaining a Mississippi Insurance Producer’s License through misrepresentation or fraud.

CHARGE 3: Respondent, Takara Lucille Thompkins, violated the provisions of *Miss. Code § 83-17-81(1)* and *Miss. Code § 83-17-71(1)(b) (Supp. 2019)* by failing to report to the Mississippi Commissioner of Insurance the following administrative actions taken against her in other jurisdictions within thirty (30) days of the final disposition of the matters:

- (a) Denial of License Application by the Illinois Department of Insurance, on or about July 14, 2020;
- (b) Administrative Penalty in the amount of \$250 imposed by the Louisiana Department of Insurance, through “Notice of Fine for Takara Thompkins” dated on or about June 12, 2020.

V. JUDGMENT

IT IS, THEREFORE, ORDERED that the privilege license of Respondent, Takara Lucille Thompkins, to act as an insurance producer in the State of Mississippi, should be and hereby is placed on probation for a period of one (1) year beginning at the date of this order, conditioned upon her not committing any further violations of law, as well as her timely payment of any fines imposed herein.

IT IS FURTHER ORDERED that an administrative fine should be and hereby is imposed against the Respondent, Takara Lucille Thompkins, in the amount of One Thousand Dollars (\$1,000.00), which is due and payable to the Mississippi Insurance Department, effective immediately.

Should the Respondent wish to appeal the Order of the Commissioner, she may follow the procedure set forth in Miss. Code § 83-17-83.

SO ORDERED, this the 9th day of December, 2020.



MIKE CHANEY
COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI

Report and Recommendation Submitted by:



PHILLIPS STRICKLAND
HEARING OFFICER