

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

**IN RE: TIMMY ROBERTSON D/B/A ROBERTSON MOBILE HOME SERVICE
TAWANA ROBERTSON D/B/A ROBERTSON MOBILE HOME SERVICE**

FINAL ADMINISTRATIVE ORDER

THIS MATTER came on for hearing before the Commissioner of Insurance of the State of Mississippi (hereinafter “Commissioner”), by and through his specially designated appointee, the Hon. Brandon White (hereinafter “Hearing Officer”), in the Office of the Commissioner, 10th Floor, Woolfolk State Office Building, 501 North West Street, Jackson, MS 39205, on Thursday, June 6, 2013, at 10:00 a.m., pursuant to a Notice of Hearing and Statement of Charges brought against Timmy Robertson d/b/a Robertson Mobile Home Service and also Tawana Robertson d/b/a Robertson Mobile Home Service (“Respondents”) dated April 2, 2013. Respondents were properly served with and received due notice of the hearing, which was originally set for May 15, 2013, but which was continued through an Order of Continuance to the present setting of June 6, 2013, at 10:00 a.m. Respondents did not appear at the hearing and the hearing was had in the absence of Respondents. The Commissioner, based on the evidence presented at the hearing, makes the following findings of fact and conclusions of law by clear and convincing evidence:

1. On or about January 17, 2013, Timmy Robertson d/b/a Robertson Mobile Home Service submitted to the State Fire Marshall’s Office, which is a Division of the Mississippi Insurance Department, an Application for License for Installer/Transporter of Factory-Built Homes.

2. On or about March 18, 2013, Tawana Robertson d/b/a Robertson Mobile Home Service submitted to the State Fire Marshall's Office an Application for License for Installer/Transporter of Factory-Built Homes. Tawana Robertson is Tim Robertson's spouse. The application reflected that Tawana Robertson has zero (0) years of experience in the manufactured housing industry, and also reflected that Timmy Robertson would be a person "responsible for compliance with the rules and regulations and provisions of this license." Under the circumstances surrounding this application, it appears by clear and convincing evidence that Tawana Robertson is applying for a license on behalf of Timmy Robertson, and to enable Timmy Robertson to engage in the business of Installing/Transporting Factory-Built Homes within the State of Mississippi.

3. The Respondents lack the fitness or expertise necessary for the issuance of a license for Installer/Transporter of Factory-Built Homes. The Respondents do not have a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of the public, and it would be in the best interest of the public that Respondents' application for license renewal be denied. Facts supporting this conclusion include, but are not limited to, the following:

a) On or about August 24, 2006, the United States District Court for the Northern District of Mississippi entered judgment of guilt against Timmy Robertson for the felony crime of Distribution in Excess of 5 Grams of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B).

b) On or about August 6, 1993, the Circuit Court of Clay County, Mississippi entered a judgment of guilt against Timothy Roberson (who is the same person as Timmy Robertson) for the felony crime of Possession of Cocaine with Intent to Distribute.

c) On or about January 8, 2013, the Justice Court of Oktibbeha County, Mississippi found Timmy Robertson guilty of two (2) separate counts of the misdemeanor crime of a violation of the Mississippi Factory-Built Homes Law, Miss. Code § 75-49-19.

d) On or about April 18, 2013, the Justice Court of Clay County, Mississippi found Timmy Robertson guilty of the misdemeanor crime of a violation of the Mississippi Factory-Built Homes Law, Miss. Code § 75-49-19 (which was entered onto the Abstract of Court Record by the Clerk of Court as “Failure to Comply LO” with comments of “Fail Obtain Comm License”).

e) On or about December 2, 2009, the Justice Court of Oktibbeha County, Mississippi entered a civil judgment against Tim Robertson, in favor of Vickie Williams, in the amount of \$2,036.16.

f) A Notice of Federal Tax Lien has been filed against Timmy Robertson reflecting a debt of \$32,771.02 due and owing to the United States Department of the Treasury – Internal Revenue Service, said Notice of Federal Tax Lien being dated July 1, 2011, and recorded on July 8, 2011 in Federal Tax Lien Book 5 at page 595 in the records on file in the Office of the Chancery Clerk for Clay County, Mississippi.

g) A civil judgment was entered against Timmy Robertson in favor of the Clay County Tax Assessor/Collector, reflecting an outstanding debt of \$251.54, this judgment rendered by the Justice Court for Clay County, Mississippi on or about February 26, 2004.

h) A civil judgment was entered against Tim Robertson in favor of Dianne

Shelton, reflecting an outstanding debt of \$2,554.00, this judgment rendered by the Justice Court for Clay County, Mississippi on or about May 23, 2002.

i) On or about January 17, 2013, Timmy Robertson did respond to the question on his Application for License for Installer/Transporter of "Have you ever been convicted of a crime? If yes, where and explain" as follows "Yes. Distribution of Cocaine 2005." This answer omitted disclosure of at least three (3) crimes which Timmy Robertson had been convicted of at that time, and although partially true, constitutes a false statement on the application.

j) On or about the month of March 2013, Timmy Robertson did install a mobile home for a Mr. Tate in or about Starkville, Mississippi. The installation was performed at a time when Mr. Robertson did not have a license. The installation was incorrectly performed, including, but not limited to, the failure to properly install anchors, improperly cutting off sheer wall straps, and improper door pier construction. Furthermore, the sheer wall straps were cut off by Timmy Robertson after he had been expressly informed by the Deputy Fire Marshal not to do so. Timmy Robertson has not handled this installation in a trustworthy or competent manner.

k) That Tim Robertson d/b/a Robertson's Mobile Home Service has transported and installed several mobile homes at a time when he had no license or authority to do so. Furthermore, those illegally performed installations were not performed in a professional or competent manner, and resulted in problems and additional expense to the consumer in correcting deficiencies resulting from the installation performed. Tawana Robertson has not involved herself in any attempts to correct those deficiencies or to require compliance with the laws of this State.

1) Tawana Robertson's Application for License for Installer/Transporter was submitted to the State Fire Marshall's Office as an effort to circumvent problems with the record of Timmy Robertson, and that such application is in all respects an attempt to obtain a license for use by Timmy Robertson. Since Timmy Robertson is not an appropriate person to receive a license in his own right, the license application submitted in Tawana Robertson's name should also be denied.

ORDER

IT IS, THEREFORE, ORDERED as follows:

1. That the applications for License for Installer/Transporter of Factory-Built Homes submitted by Timmy Robertson d/b/a Robertson Mobile Home Service, and also by Tawana Robertson d/b/a Robertson Mobile Home Service, should be, and hereby are **DENIED**.

2. Respondents are directed to cease and refrain from engaging in the construction, sale, transportation or installation of a factory-built home intended to be used for human habitation, until such time in the future as it may obtain a license from the Commissioner of Insurance for the State of Mississippi as required by § 75-49-9 of the Mississippi Code of 1972, as amended. Furthermore, Respondents are directed to remove from display any signs or other advertisements which could mislead a consumer into believing they are conducting business as an Installer or Transporter of Factory Built Homes.

3. It is noted that the Respondents were found in default at this hearing, and thereby they have waived their rights to appeal pursuant to the provisions of Miss. Code § 75-49-13 (Supp. 2012), due to their failure to appear at the time and place set for the hearing.

SO ORDERED, this the 7th day of June, 2013.



MIKE CHANEY
COMMISSIONER OF INSURANCE

Submitted by:



Brandon White
Hearing Officer