

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

**IN THE MATTER OF GREGORY L. GREEN:
ACTION AGAINST RESIDENT PRODUCER
INDUSTRIAL FIRE APPLICATION No. 114364**

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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 Tuesday, March 31, 2009, at 3:00 p.m., pursuant to a Notice of Hearing and Statement of Charges mailed to Mr. Jackson on March 27, 2009. 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. 2008), providing for the licensing of insurance producers by the Mississippi Insurance Department, and specifically under Miss. Code Ann. § 83-17-71 (Supp. 2008), providing for disciplinary actions against producers.

Notice and Hearing

1. On or about March 27, 2009, the Commissioner, gave notice to Mr. Green of the Statement of Charges, and Proposed Action. Mr. Green admitted to receiving said notice.
2. Pursuant to said notice, a hearing was scheduled for 3:00 p.m. on Tuesday, March 31, 2009, pursuant to Mr. Green's request, it was continued to April 9, 2009.
3. Mr. Green appeared at said hearing.

Findings of Fact

1. Mr. Jean Pelloat, Regional Vice President of Union National Life Insurance Company ("Union National"), filed a complaint with the Department on April 7, 2008, alleging that an agency audit indicated that former agent, Mr. Gregory L. Green, collected \$1,466.73 in premiums from policyholders that had not been deposited with Union National. Union National applied Mr. Green's cash bond towards the amount which left a balance of \$1,057.95. Enclosed with Mr. Pelloat's complaint, was an Agent Deficiency Report created during the audit of Mr. Green. The Deficiency Report was a record normally kept in Union National's regular course of business and Mr. Pelloat testified to its authenticity.

2. The Agent Deficiency Report provided by Mr. Pelloat indicated that agent Gregory L. Green did not deposit \$1,466.73 in collected premiums with Union National. The report states that collected premiums from on or about September 27, 2007 to on or about March 10, 2008 were not remitted to Union National.

3. According to Mr. Pelloat's testimony and the report, an audit was conducted by Union National Staff Managers who went to each of Mr. Green's customers and compared the premiums received by Union National's Home Office (sent by Mr. Green) to receipt of payments shown by Mr. Green's customers. The results of the audit clearly indicated that Mr. Green had not sent Union National \$1,466.73 in premiums collected.

3. Mr. Green testified that he did not owe such premiums but did not provide proof of such claim.

4. Mr. Green was allowed an extra 10 days (until April 9, 2009) to examine the receipts collected by Union National and settle the dispute. Mr. Green did not introduce any new evidence within the 10 day allowance.

Conclusions of Law

1. The testimony of Mr. Pelloat and the Agent Deficiency Report provided by Union National Life Insurance Company clearly establish that Mr. Gregory L. Green failed to deposit collected premiums with Union National.

2. Mr. Green's failure to remit collected premiums to Union National Life Insurance Company constitutes a violation of Miss. Code Ann. § 83-17-71(1)(d) (Supp. 2008) by improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business. It further constitutes a violation of Miss. Code Ann. § 83-17-71(1)(h)(Supp. 2008) by using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

3. Mr. Green submitted a check in the amount of seventy-five dollars (\$75.00) for the licensing fee to obtain a Resident-Producer Industrial Fire license in the State of Mississippi. Said check was returned for lack of funds. Failing to pay the fees required is in violation of Miss. Code Ann. § 83-17-61(1)(d).

4. Said violations subject Mr. Green to the various disciplinary actions set forth in Miss. Code Ann. § 83-17-71 (Supp. 2008).

Order

IT IS, THEREFORE, ORDERED that Gregory L. Green's application for Resident Producer Industrial Fire Application in hereby denied.

SO ORDERED, this the 13th day of April, 2009.


MIKE CHANEY
COMMISSIONER OF INSURANCE