

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

**IN RE: Mardy Gould
Non-Resident Insurance Producer
License No. 10667689**

FINAL ADMINISTRATIVE ORDER

THIS MATTER came on for hearing before the Commissioner of Insurance for the State of Mississippi (“Commissioner”), by and through his specially designated appointee, the Hon. Kim Causey (hereinafter “Hearing Officer”), via teleconference on Tuesday, June 14, 2022, at 10:00 a.m. CST, pursuant to a Notice of Hearing dated May 11, 2022. Having received notice of the hearing via certified mail and email with devilery receipt, the Respondent, Mardy Gould, failed to appear via telephone and did NOT participate in the hearing.

Attorney Phillips Strickland represented the Mississippi Insurance Department (“MID”) at the hearing. The State introduced eight (8) items of documentary evidence and called one witness, John Hornback, Director of Investigation, Mississippi Insurance Department. Based upon the documentary evidence and testimony, and upon the recommendation given by the Hearing Officer, the Commissioner makes the following Findings of Fact and Conclusions of Law, to-wit:

I. AUTHORITY

Miss. Code. § 83-17-71(1) (Supp. 2021) states 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.

Miss. Code. § 83-17-71(1)(h) (Supp. 2021) proscribes using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

Miss. Code. § 83-17-71(1)(h) (Supp. 2021) states that “[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.”

II. FINDINGS OF FACT

AFTER CONSIDERING all of the evidence presented, using the standard of proof of “clear and convincing evidence”, the Commissioner of Insurance makes the following Findings of Fact:

(1) On or about May 12, 2022, the Commissioner, through his attorney, gave the required notice to the Respondent of the intention to hold a hearing for the purpose of reviewing the status of Respondent's Resident Insurance Producer license in the State of Mississippi, and to potentially revoke any current license the Respondent may hold and/or to impose a civil penalty. (State’s Exhibit S-8, Notice of Hearing)

(2) The Respondent received the Notice of Hearing, providing notice of an administrative hearing to be held on Tuesday, June 14, 2022 at 10:00 a.m. CST via teleconference pursuant to Miss. Admin. Code Title 19 (Dept. of Insurance), Part 1, Chapter 44 (Administrative Hearing Procedures Specific to COVID-19). The USPS Tracking information accompanying the Notice of Hearing reflects delivery on April 26, 2022. The email delivery receipt confirms delivery of the amended notice of hearing on May 12, 2022. (State’s Exhibit S-8)

(3) Evidence presented at hearing shows that on or about June of 2021, John Hornback was browsing facebook.com and saw several suspicious advertisements for a “self-employed health insurance program” that claim to have been approved by Mississippi Governor Tate Reeves. Hornback searched the facebook.com ad library website which showed that the ads were published by “Grow with MKG LLC” and listed the Respondent, Mardy Gould, as the treasurer”.

(4) The phone number listed for the publisher of the suspicious advertisements, 224-595-7446 is the same phone number listed for Mardy Gould in the MID insurance producer licensing system, SIRCON. This phone number was provided by Respondent during the license application process. (State’s Exhibit S-1, S-2, S-3, and S-7) (Hornback Testimony)

(5) Hornback’s search of the ad library found that Respondent ran at least five separate misleading ads in Mississippi between the dates of April 14, 2021 and June 2, 2021. Respondent also ran similar ads in several other states as part of a nationwide campaign. (State’s Exhibit S-1, S-2, and S-3) (Hornback Testimony)

(6) On February 25, 2022, Respondent’s insurance producer license was revoked by the State of Nebraska by way of an administrative order. A search of the National Insurance Producer Registry (NIPR) on April 11, 2022 shows that as of the date of the search, Respondent has not reported this or any other administrative action taken against him as required by law. (State’s Exhibit S-4, S-6) (Hornback Testimony)

(7) On November 19, 2021, Respondent’s insurance producer license was revoked by the State of South Dakota by way of an administrative order. A search of the National Insurance Producer Registry (NIPR) on April 11, 2022 shows that as of the date of the search, Respondent has not reported this or any other administrative action taken against him as required by law. (State’s Exhibit S-5, S-6) (Hornback Testimony)

(8) In light of the facts found in the record taken together as a whole, the testimony of MID Investigator Hornback is credible. (Exhibits S-1 through S-8), (Hornback Testimony)

III. CONCLUSIONS OF LAW

IN LIGHT OF THE AFOREMENTIONED Findings of Fact, the Commissioner of Insurance for the State of Mississippi finds that Respondent, Jeffrey Andrews, has committed the following violations:

Respondent violated the provisions of *Miss. Code. § 83-17-71(b)(Supp. 2021)* when they did cause to be published several misleading ads in the State of Mississippi and nation-wide claiming to provide access to a fictitious insurance program.

Respondent violated the provisions of *Miss. Code § 83-17-81(1)(h) (Supp. 2021)* when they failed to provide notice of an administrative action taken against them by the state of Nebraska within thirty days.

Respondent violated the provisions of *Miss. Code § 83-17-71(1)(h) (Supp. 2021)* when they failed to provide notice of an administrative action taken against them by the state of South Dakota within thirty days.

IV. JUDGMENT

IT IS, THEREFORE, ORDERED that:

CHARGE 1 set forth in the Notice of Hearing and Statement of Charges alleging the violation of *Miss. Code. § 83-17-71(1)(h) (Supp. 2021)* is hereby **SUSTAINED**.

CHARGE 2 set forth in the Notice of Hearing and Statement of Charges alleging the violation of *Miss. Code § 83-17-81(1) (Supp. 2021)* is hereby **SUSTAINED**.

CHARGE 3 set forth in the Notice of Hearing and Statement of Charges alleging the violation of *Miss. Code § 83-17-81(1) (Supp. 2021)* is hereby **SUSTAINED**.

IT IS ORDERED, that the privilege license of Respondent, **Mardy Gould**, having license no. **10667689**, to act as a Non-Resident Insurance Producer in the State of Mississippi, should be and hereby is **REVOKED**, effective immediately.

IT IS ORDERED, that an administrative fine in the amount of one thousand dollars (\$1,000.00) is imposed on the **Respondent**, Mardy Gould.

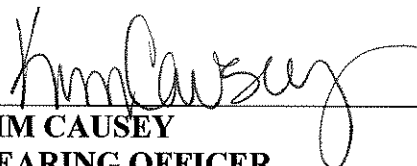
Should the Respondent wish to appeal the Order of the Commissioner, he may follow the procedure set forth in § 83-17-83 of the *Mississippi Code of 1972, as Amended*.

SO ORDERED, this the 27th day of June, 2022.



MIKE CHANEY
COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI

Recommended by:



KIM CAUSEY
HEARING OFFICER