

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

IN RE: THOMAS MARTIN BOEKHOUT
Insurance Producer and Surplus Lines License No. 10122973

ABC INSURANCE SERVICES, LLC
Agency License No. 15016254

FINAL ADMINISTRATIVE ORDER

THIS CAUSE came on for hearing on Wednesday, April 12, 2023, at 10:00 a.m. CST before the Commissioner of Insurance for the State of Mississippi, by and through his specially designated appointee, Christina Kelsey (hereinafter “Hearing Officer”), at the Mississippi Insurance Department (“MID”), pursuant to Notice of Hearing dated March 20, 2023. Having received notice of the hearing, the Respondent, Thomas Martin Boekhout, individually and as representative for ABC Insurance Services, LLC, appeared and participated in the hearing. Michelle Partridge, Senior Attorney for the Mississippi Insurance Department, represented the MID. The State called one witness and introduced several items of documentary evidence, which were admitted as Exhibits S-1 through S-5. The Respondent provided testimony at the hearing, but called no other witnesses than himself. Based upon the documentary evidence and testimony, and upon the recommendation given by the Hearing Officer, the Commissioner makes the following Findings of Fact, Conclusions of Law, and Order:

I.AUTHORITY

Miss. Code § 83-17-71 (Violations; Penalties) provides that when 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 . . . for any one or more of the following causes:

- (b) Violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's commissioner;
- (d) Improperly withholding, misappropriating or converting any monies or properties received in the course of doing insurance business;
- (h) Using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

Pursuant to *Miss. Code § 83-17-71 (3)*, “[t]he license of a business entity may be suspended, revoked or refused if the commissioner finds, after hearing, that an individual licensee’s violation was known or should have been known by one or more of the partners, officers or managers acting on behalf of the partnership or corporation and the violation was neither reported to the commissioner nor corrective action taken.”

Further, *Miss. Code § 83-17-71(4)*, 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 March 20, 2023, the Commissioner, through his attorney, issued a Notice of Hearing to the Respondent(s), setting the matter for hearing on April 12, 2023, at 10:00 a.m. The Notice of Hearing and Statement of Charges were mailed to the Respondent via certified mail delivery on March 20, 2023. On April 12, 2023, at 10:00 a.m., the Respondent did appear and requested that the record be held open for thirty (30) days to supplement documents as evidence in the hearing. The Respondent’s request to leave the record open was granted, and no evidentiary documents were submitted.

III. FINDINGS OF FACT

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

(1) On or about January 3, 2023, MID received a letter from Respondent’s former counsel, Stephen Dummer, requesting reinstatement of ABC Insurance Services, LLC’s Agency License. Also included with the letter was check No. 7802 from ABC Insurance Services in the amount of \$300 for the application filing fee. (State’s Exhibit 2)

(2) On March 14, 2023, Michelle Partridge mailed a certified letter to Respondent due to his counsel withdrawing representation, denying the reinstatement of ABC Insurance Services’ Agency License. (State’s Exhibit S-3)

(3) On or about September 9, 2022, ICAT filed a complaint stating that on June 7, 2022 mortgage company Central Loan Administration & Reporting (Mortgagee) sent ABC Insurance Services LLC a check in the amount of \$5,133.68 in error for payment of hazard insurance on behalf of Sarah Barhonovich, the insured. These findings are evidenced by the testimony of MID Investigator Octavius Sample, as well as State’s Exhibit S-4.

(4) The policy was non-renewed due to a lack of carrier capacity effective 6/18/2022. The mortgagee sent a check in error to ABC for the 2022-2023 policy term.

(5) The mortgagee contacted ICAT in August 2022 requesting a refund and provided a copy of the endorsed check, which appears to have been cashed by Mr. Boekhout.

(6) Boekhout disclaimed any responsibility for refunding the premium and advised that it is the responsibility of Burke Insurance.

(7) On January 20, 2022, an Amended Final Administrative Order was entered revoking ABC Insurance Services’ Agency License and placed Mr. Boekhout’s producer license

on a probationary status for 2 years ending January 20, 2024 providing Mr. Boekhout abided by the Amended Order. (State's Exhibit S-5)

(8) The conditions of the Order placing Respondent on probationary status included:

(a) Not owning, operating or managing an insurance agency

(b) Not directly controlling or having access to client premium

(c) Committing no violations of MS Insurance laws (State's Exhibit S-5)

(9) ABC Insurance Services, LLC, which has Thomas Martin Boekhout as its sole owner, member, manager, and officer, knew, or should have known, of the improper and unlawful conduct of Thomas Martin Boekhout, as described more fully in the herein-above findings of fact, and such conduct was neither reported to the Commissioner nor corrective action taken. Consequently, pursuant to *Miss. Code § 83-17-71 (3)*, the license of ABC Insurance Services, LLC is subject to the denial of reinstatement.

(10) These findings are evidenced by the testimony of MID Investigator Octavius Sample, as well as State's Exhibits 3 through 5.

(11) Further Respondent admitted to cashing the check because it was his belief that the money was owed to him by Burke Insurance Company. He also testified that he re-paid the funds.

IV. CONCLUSIONS OF LAW

IN LIGHT OF THE AFOREMENTIONED Findings of Fact, the Commissioner finds the following:

(1) That the Respondent, Thomas Martin Boekhout, violated the provisions of the Amended Order dated January 20, 2022.

(2) That the Respondent, Thomas Martin Boekhout, violated the provisions of *Miss. Code § 83-17-71(1)(d)* by improperly withholding, misappropriating or converting any monies or

properties received in the course of doing insurance business, as alleged in Charge 1 of the Notice of Hearing and Statement of Charges.

(3) That the Respondent, Thomas Martin Boekhout, violated the provisions of *Miss. Code § 83-17-71(1)(h)* by demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state, as alleged in Charge 2 of the Notice of Hearing and Statement of Charges.


(4) Pursuant to *Miss. Code § 83-17-71 (3)*, the license of ABC Insurance Services, LLC is subject to the denial of reinstatement due to Thomas Martin Boekhout being its sole owner, member, manager, and officer.

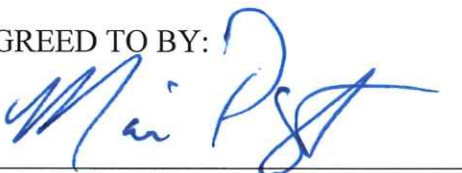
V. ORDER

IT IS, THEREFORE, ORDERED that that the Insurance Producer License granted to the Respondent, Thomas Martin Boekhout, under privilege license number 10122973, to act as an insurance producer and surplus lines producer in the State of Mississippi, is hereby **REVOKED**.

IT IS FURTHER ORDERED, that the license reinstatement application of ABC Insurance Services, LLC, Agency License No. 15016254, should be and hereby is **DENIED**.

SO ORDERED, this the 8th day of July, 2023.


MIKE CHANEY
COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI

AGREED TO BY: 

Michelle Partridge
Attorney for Mississippi Insurance Department