

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

IN RE: MICHAEL D. MATTHEWS
Applicant for Independent Adjusters License
Applicant No. 705410

FINAL ADMINISTRATIVE ORDER

THIS CAUSE came on for hearing on Wednesday, September 22, 2021, at 10:00 a.m. CST before the Commissioner of Insurance for the State of Mississippi, by and through his specially designated appointee, the Hon. Kim Causey (hereinafter “Hearing Officer”), via teleconference hearing, pursuant to Notice of Hearing dated September 2, 2021. The Respondent, Michael D. Matthews, failed to appear via telephone and did not participate in the hearing, and was in default. Mark Lampton, Senior Attorney for the Mississippi Insurance Department, represented the Mississippi Insurance Department. The State called no witnesses and introduced several items of documentary evidence, including the following: Ex. S-1 (Respondent’s Application for MS Independent Adjusters License); Ex. S-2 (Final Administrative Order (MS) dated May 1, 2013); Ex. S-3 (Summary of other States’ Regulatory Actions for Respondent); Ex. S-4 (Final Decision and Order from State of Delaware, dated November 13, 2012); Ex. S-5 (USPS Certified Mail Delivery Receipt).

I. AUTHORITY

Miss. Code § 83-17-421 (Supp. 2020) states that the Commissioner of Insurance may refuse to renew an insurance adjusters license, where the applicant: (a) Has willfully violated any provision of the insurance laws of this state; or (b) Has intentionally made a material misstatement in the application for such license.

II. NOTICE AND HEARING

The Mississippi Insurance Department has jurisdiction over the Respondent, Michael D. Matthews, and the subject matter of his application for an independent adjusters license in Mississippi. On September 2, 2021, a Notice of Hearing and Statement of Charges was issued to the Respondent, advising him of the Commissioner's intent to deny his licensure application and the grounds therefor, and setting this matter for hearing on September 22, 2021, at 10:00 a.m.. The Notice of Hearing and Statement of Charges was delivered to the Respondent via USPS Certified Mail delivery on September 8, 2021, at 1:13 p.m., in Fayetteville, GA 30215 (Exhibit S-5). The hearing was called to order, at the time and place described in the Notice of Hearing. The Respondent failed to attend or participate in the hearing.

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 August 29, 2021, the Respondent, Michael D. Matthews, submitted to the Mississippi Insurance Department, an application for an Independent Adjuster license. (Ex. S-1) The application contained the following 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?" Respondent answer the question "No".

(2) The Insurance Commissioner for the State of Mississippi issued a Final Administrative Order dated May 1, 2013, finding the Respondent, Michael D. Matthews, in violation of *Mississippi Code §§ 83-17-81 and 83-17-71*, and imposing a fine in the amount of \$250 against Michael D. Matthews, and further providing that Respondent's license "shall not be

issued or renewed unless and until the fine imposed herein has been paid in full.” (Ex. S-2) The evidence further showed that Michael D. Matthews has not paid the fine as required.

(3) Respondent’s representation on his application was a material misstatement, in that the Respondent has in fact been involved as a party in the following administrative proceedings:

- (a) The State of Arkansas suspended the Respondent’s Adjuster / Appraiser license on or about March 6, 2012. (Ex. S-3)
- (b) The State of Delaware revoked the Respondent’s Adjuster / Appraiser license on or about December 17, 2012. (Ex. S-4)
- (c) The State of Georgia imposed a monetary penalty against the Respondent in the amount of \$150 on or about February 8, 2012. (Ex. S-3)
- (d) The State of Mississippi imposed a monetary penalty against the Respondent in the amount of \$250 on or about May 1, 2013. (Ex. S-2)

IV. CONCLUSIONS OF LAW

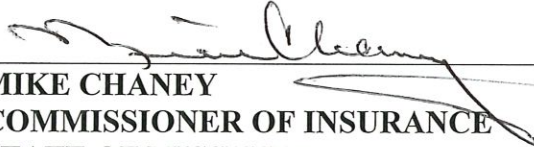
IN LIGHT OF THE AFOREMENTIONED Findings of Fact, the Commissioner concludes that sufficient cause does exist to deny the Independent Adjuster License Application submitted by Respondent, Michael D. Matthews, pursuant to authority set forth in *Miss. Code § 83-17-421 (Supp. 2020)*. The Respondent has willfully violated the insurance laws of this state, and has failed to pay the administrative fine imposed against him by the Mississippi Insurance Department on May 1, 2013. Additionally, the Respondent has intentionally made a material misstatement in his application for licensure.

V. JUDGMENT

IT IS, THEREFORE, ORDERED that the Application for Independent Adjusters License submitted by Michael D. Matthews, is hereby **DENIED**.

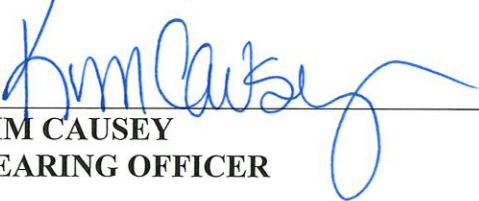
It is noted that should the Respondent desire to appeal this decision, he may do so pursuant to the provisions of *Miss. Code § 83-17-423*.

SO ORDERED, this the 23rd day of September, 2021.



MIKE CHANEY
COMMISSIONER OF INSURANCE
STATE OF MISSISSIPPI

Recommended by:



KIM CAUSEY
HEARING OFFICER