

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA

In Re: Andre Hills,
Respondent.

FINAL ORDER 12-AP-PRLC-02034

The undersigned, Insurance Commissioner of the State of West Virginia, does hereby adopt and approve the Recommended Decision of the Hearing Examiner, appended hereto, as well as the findings of fact and conclusions of law therein contained.

Pursuant to W.Va. Code §33-12-24(e), the Insurance Commissioner may invoke a civil penalty, in addition to any applicable denial, probation, suspension or revocation of a license. It is consequently ORDERED that Andre Hills be, and he is hereby, found guilty of one violation of §33-12-24(b)(1) of the W.Va. Code and one violation of §33-12-24(b)(3) of the W.Va. Code and that his resident producer license be, and the same is hereby, revoked. It is further ORDERED that said Respondent pay a civil penalty to the State of West Virginia in the amount of \$500.00 and that he pay the taxable costs of this proceeding.

The objections of any party aggrieved by this Order and to the Recommended Decision herein adopted are preserved.

ENTERED this 22 day of February, 2013:



Insurance Commissioner of
The State of West Virginia

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA

In Re: Andre Hills,
Respondent.

12-AP-PRLC-02034

RECOMMENDED DECISION
OF HEARING EXAMINER

This administrative complaint came on for hearing on January 3, 2013, at the offices the Insurance Commissioner, there then being present Larry J. Conrad, Esquire, appearing on behalf of the Insurance Commissioner. No appearance was made by or behalf of the Respondent, Andre Hills.

Statement of the Case

This administrative complaint seeks the revocation of or the imposition of other sanctions against Respondent's active resident producer license upon the grounds of his not being a resident of West Virginia as required by § 33-12-6a of the W. Va. Code; having provided incorrect, misleading or materially untrue information on his application for his license regarding his State of residence in violation of §33-12-24(b)(1) of said Code; and for having obtained his license through misrepresentation or fraud as a result of his residence misrepresentations in violation of §33-12-24(b)(3) of said Code.

Findings of Fact

The following are made as findings of fact:

1. The Respondent, Andre Hills, is the holder of an active resident individual producer license, number 16623336. (Ex. 2)
2. Upon his application for license Respondent listed an address in Falling Waters, West Virginia, as his residence address. In fact he was at the time not a resident at the address listed nor of West Virginia. He has never resided at the address given nor, it would appear, in the State of West Virginia. It appears that he actually resides in Maryland or Ohio. The listing of his address on the application is found to be materially untrue. Because this action on his part had to have been intentional it is further found that he obtained his license through fraud and misrepresentation. (T., pp. 7-8, 15, 18-19, 20, 22, 25; Exs. 2-6)

Conclusions of Law

The following are made as conclusions of law:

1. Under the provisions of W. Va. Code § 33-12-6a a person may qualify for a resident producer license only if that person actually resides in West Virginia.
2. Under the provisions of W. Va. Code § 33-12-24(b)(1) the Insurance Commissioner is empowered to revoke, suspend or impose other disciplinary sanctions against the license of a producer who shall have provided

incorrect or materially untrue information in the license application. By providing a false address in his application, Respondent has violated this section and is thereby subject to having his license revoked or having imposed some lesser sanction. Because being a resident of this State is a condition to holding a resident license, it is further concluded that revocation of such license is the appropriate and unavoidable sanction.

3. Under the provisions of W. Va Code § 33-12-24(b)(3) the Commissioner is empowered to revoke or impose other sanctions against any person who obtains a license through misrepresentation or fraud. Respondent has violated this section and is thereby subject to having his license revoked or subjected to other sanctions.

Recommendation

It is recommended that Respondent be found guilty of a violation of § 33-12-24(b)(1) and of a violation § 33-12-24(b)(3) of the W. Va. Code and that Respondent's West Virginia resident producer's license be revoked.

Respectfully recommended,



Jack W. DeBolt
Hearing Examiner

Date: January 21, 2013