

BEFORE JAMES A. DODRILL, INSURANCE COMMISSIONER
STATE OF WEST VIRGINIA

In the Matter of:

MICHAEL VINCENT BRITNER

Administrative Proceeding: 11-AP-PRLC-02007

FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER

On a prior day, to-wit, December 10, 2019, came Michael Vincent Britner ("Mr. Britner"), by written correspondence, who requested that the prior order in this matter, entered August 3, 2011, which said order revoked Mr. Britner's resident producer's license, be set aside. After reviewing Mr. Britner's request and the prior proceedings in this matter, the Commissioner proceeded to make the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. As of December 8, 2010, Mr. Britner was a resident producer in the State of West Virginia, having been issued resident producer license number 512058.
2. On or about December 8, 2010, the Commissioner cancelled Mr. Britner's resident producer's license for the reason that he failed to renew it.
3. Thereafter, on August 3, 2011, the Commissioner entered an order revoking Mr. Britner's resident producer license on the grounds that he had submitted a worthless check in payment of his license renewal fee.
4. The check had been dishonored by the bank due to the fact that the account on which the check had been drawn was previously closed and, therefore, the Commissioner concluded that Mr. Britner had violated *W. Va. Code* § 33-12-24(b)(3).
5. In Mr. Britner's correspondence of December 10, 2019, requesting that the previous revocation order be set aside, he explained that his wife mistakenly wrote the check on the closed

account. Mr. Britner further stated that at approximately the same time his employment with State Farm was terminated, not for cause, and while he did receive notices from the Commissioner regarding the worthless check, he did not respond because he was no longer interested in engaging in the business of insurance. Lastly, Mr. Britner expressed his remorse for failing to respond to the Commissioner and acknowledged that he should not have ignored the Commissioner's correspondence.

6. Mr. Britner now requests, after being away from the business of insurance for nearly 10 years, that the revocation order of August 3, 2011, be vacated and that he be allowed to apply for a resident producer's license.

CONCLUSIONS OF LAW

1. The Commissioner has regulatory authority over the licensing of insurance producers in the State of West Virginia pursuant to Chapter 33, Article 12 of the *West Virginia Code*.

2. The Commissioner is persuaded by Mr. Britner's motion/letter requesting that the August 3, 2011, revocation order be vacated, is satisfied with his explanation, and concludes it is unlikely that the conditions which ultimately resulted in the revocation of his resident producer's license will reoccur.

ORDER

It is, therefore, **ORDERED** that the prior revocation order of August 3, 2011, be, and it is, hereby, vacated.

It is further **ORDERED** that Mr. Britner shall pay the costs of the hearing held on August 3, 2011, in the amount of Three Hundred Fifty Dollars (\$350.00) as well as costs of the instant revocation reconsideration in the amount of One Hundred Dollars (\$100.00).

It is further **ORDERED** that while the prior revocation order of August 3, 2011 is, by this order, vacated, Mr. Britner shall not be eligible to apply for licensure as a producer until such time as he has fully paid the aforementioned costs in the amount of Four Hundred Fifty Dollars (\$450.00).

ENTERED this 18th day of March 2020.



James A. Dodrill
Insurance Commissioner