TN agent # 0726848

BEFORE THE COMMISSIONER OF COMMERCE AND INSURANCE
FOR THE STATE OF TENNESSEE

TENNESSEE INSURANCE DIVISION, Petitioner,	)	
vs.	)	No.: 12.04-100484J
PHILLIP ANTHONY MINGA Respondent.	)	

NOTICE OF DEFAULT AND INITIAL ORDER

This matter was heard on November 25, 2008, before Thomas G. Stovall, Administrative Judge assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Commissioner, Tennessee Department of Commerce and Insurance in Nashville, Tennessee. The Petitioner was represented by Dan Birdwell, Assistant General Counsel, Tennessee Department of Commerce and Insurance. Neither the Respondent, Phillip Anthony Minga, nor an attorney appearing on his behalf, was present at the hearing.

NOTICE OF DEFAULT

Petitioner moved for default based on failure of Respondent or his representative to appear at the scheduled hearing, after receiving proper notice thereof. In support of the motion, Petitioner submitted certified mail receipts, each signed by "Phillip Minga," acknowledging Respondent's receipt of the Notice of Proposed Action and Notice of Hearing. Service to Respondent was determined proper in accordance with the provisions of provisions of Tenn. Code Ann. § 4-5-307. The Respondent was held in **DEFAULT** and Petitioner was permitted to proceed on an uncontested basis.

INITIAL ORDER

The subject of this hearing is the proposed revocation of the Respondent's Tennessee insurance producer license. After consideration of the argument of counsel and review of the record, it is the determination of this Administrative Judge that the Respondent's insurance producer license should be **REVOKED**. This decision is based upon the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. The Respondent, Phillip Anthony Minga, (the "Respondent"), is a citizen and resident of Mississippi, with a mailing address of 1600 Highland Drive, Amory, MS 38821.

2. The Respondent held a non-resident insurance producer license, numbered 668465, issued by the Commissioner July 3, 1997. Such license was issued based in part on Respondent's certification that he was licensed and in good standing in his home/resident state (Mississippi).

3. On May 19, 2005, the Secretary of State of the State of Mississippi issued a Final Cease and Desist Order and Order Imposing Administrative Penalty. Under such Final Order, Respondent was ordered to permanently cease and desist from engaging in further illegal activity in, or originating from, Mississippi in connection with the offer and/or sale of securities and pay a fine in the amount of four hundred and eighty thousand dollars ($480,000).

4. On July 18, 2006, the Mississippi Commissioner of Insurance filed a Denial of License Renewal and Amended Notice of Hearing and Statement of Charges, seeking revocation of Respondent's insurance producer license and assessment of administrative fines for violations of Mississippi insurance laws.

5. On October 27, 2006, a Consent Order was entered by George Dale, the Commissioner of Insurance of the State of Mississippi in the matter of Commissioner of

Insurance v. Philip [sic] Minga. In accordance with the Consent Order, Respondent surrendered his Mississippi Privilege License, numbered 8502366, and his privilege to sell life, health, and accident insurance; property and casualty insurance; and surplus lines insurance in the State of Mississippi.

6. On January 30, 2006, Respondent submitted an application to renew his Tennessee non-resident insurance producer license on which he answered "no" in response to the question which asked whether the applicant had been involved in an administrative proceeding regarding any professional or occupational license.

7. Department of Commerce and Insurance records indicate that Respondent failed to advise the Commissioner as to either the Final Cease and Desist entered by the Mississippi Secretary of State on May 19, 2005, or the Consent Order entered by the Mississippi Commissioner of Insurance on October 26, 2006.

CONCLUSIONS OF LAW

1. In accordance with Tenn. Comp. R. and Regs. 1360-4-1-.02(7), Petitioner bears the burden of proof in proving by a preponderance of the evidence that the facts alleged in the Petition are true and that the issues raised therein should be resolved in its favor.

2. Tenn. Code. Ann. § 56-6-112(a)(1) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew a license for providing incorrect, misleading, incomplete or materially untrue information in a license application.

3. Tenn. Code. Ann. § 56-6-112(a)(2) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew a license for violating any law, rule, regulation, subpoena or order of the Commissioner or of another state's commissioner.

4. Tenn. Code. Ann. § 56-6-112(a)(8) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew a license for using coercive, or dishonest

practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

5. Tenn. Code Ann. § 56-6-119(a) provides that an insurance producer shall report to the commissioner any administrative action taken against the producer in another jurisdiction within thirty (30) days of the final disposition of the matter.

6. The Petitioner has met its burden of proof, by a preponderance of the evidence, in showing that Respondent: violated insurance laws of Mississippi; provided incorrect information on his January 30, 2006, Tennessee insurance producer license renewal application; failed to report administrative actions taken against him in another jurisdiction; and used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of doing business in another state.

It is therefore **ORDERED** that the insurance producer license of Phillip Anthony Minga, numbered 726848, be **REVOKED**.

This Initial Order entered and effective this 9TH day of December, 2008.

Thomas G. Stovall, Administrative Judge

Filed in the Administrative Procedures Division, this 9TH day of December, 2008.

Thomas G. Stovall, Director
Administrative Procedures Division