



MISSISSIPPI INSURANCE DEPARTMENT

501 N. WEST STREET, SUITE 1001
WOOLFOLK BUILDING
JACKSON, MISSISSIPPI 39201
www.doi.state.ms.us

MIKE CHANEY
Commissioner of Insurance
State Fire Marshal

MAILING ADDRESS
Post Office Box 79
Jackson, Mississippi 39205-0079
TELEPHONE: (601) 359-3569
FAX: (601) 359-2474
WATS: 1-800-562-2957 (Incoming - USA)

January 26, 2009

VIA EMAIL AND U.S. MAIL

Mr. Kevin Buckel
448 Russell Avenue
Long Beach, MS 39560

Re: Public Records Request

Dear Mr. Buckel:

Your request was referred to the Mississippi Insurance Department's Legal Division for review. As such, this letter will serve as our response to your correspondence wherein you made a request for information pursuant to the Mississippi Public Records Act, §§ 25-61-1, 25-61-5.

On January 16, 2009, you addressed an email to Commissioner Mike Chaney in which you stated the following:

I am writing to appeal your decision "not" to respond to the request below dated January 4, 2009. Pursuant to MDOI 83-1, I am entitled [to] a response by January 18, 2009.

Your request was received by our office on January 6, 2009. Therefore, pursuant to Miss. Code Ann. § 25-61-5 (1) (Supp. 2008), our reply to your request is due by January 26, 2009. Please find attached hereto as cumulative **Exhibit "A"**, copies of the subject email and Miss. Code Ann. § 25-61-5 (1) (Supp. 2008) for your review.

Miss. Code Ann. § 25-61-3 (b) (Supp. 2008), states:

"Public records" shall mean all books, records, papers, accounts, letters, maps, photographs, films, cards, tapes, recordings or reproductions thereof, and any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, **possessed** or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body, or required to be maintained by any public body.

Kevin Buckel
January 26, 2009
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Please be advised that the records you have requested are not in the possession of the Mississippi Insurance Department (“Department”). The Department, in an effort to provide a complete and thorough response to your request, conducted a search of our records and files and discovered that there are no file materials related to your request maintained by our office.

In your letter dated January 4, 2009 you also stated the following:

If this information is not available, I respectfully request your office compile this information for public consumption from the insurance companies that received homeowner claims regulated by MID as a result of Hurricane Katrina.

A copy of this letter is attached hereto as *Exhibit “B”* for reference.

Please note that the Mississippi Public records Act requires the production of existing records, and does not contemplate the creation of new records or documents via the gathering and compilation of data. Additionally, the Department lacks the resources necessary to commence such a project. We are also concerned that some of the information requested could be privileged and confidential under the exceptions to the Mississippi Public Records Act, and could require consent by the producing party.

By way of information, the Department would like to advise you that on its website located at www.mid.state.ms.us, the most recent claims figures as of October 15, 2006 with regard to Hurricane Katrina are posted. Please note that these figures were obtained from insurance companies pursuant to a data call from the National Association of Insurance Commissioners. To obtain this information from our website, please note the following:

1. Go to the section entitled, “How Do I”
2. Click on “Prepare For Next Hurricane Season”
and scroll down to year 2006
3. Click on 2006 and then Claims Figures

Understandably, you may deem this data to be non-responsive, but it is provided in an effort to be helpful and cooperative with regard to your request.

Kevin Buckel
January 26, 2009
Page Three

If you have any additional questions, please do not hesitate to contact me at 601-359-3577.

With kindest regards, I remain,

Sincerely,

A handwritten signature in black ink, appearing to read 'CK', is written over a horizontal line.

Christina Kelsey
Senior Attorney
Mississippi Insurance Department

CJK: kc

cc: Mike Chaney, Commissioner of Insurance

Kim Causey - Appeal to respond on request pursuant MDOI 83-1

From: "msinsurancebill@cableone.net"
To: ,
Date: 1/16/2009 10:11 AM
Subject: Appeal to respond on request pursuant MDOI 83-1
CC:

January 16, 2009

Via Facsimile 662.359.1077

Commissioner Mike Chaney
Mississippi Insurance Department
P.O. Box 79
Jackson, MS 39205

Re: *Appeal for your office to respond to request herein*

Dear Commissioner Chaney,

I am writing to appeal your decision "not" to respond to the request below dated January 4, 2009. Pursuant to MDOI 83-1, I am entitled a response by January 18, 2009.

Thank you for your attention to this matter

Kevin Buckel
448 Russell Ave, Long Beach, MS 39560

On Sun Jan 4 12:50 , "msinsurancebill@cableone.net" sent:

January 4, 2009

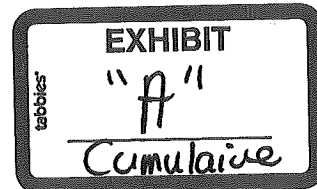
Via Facsimile 662.359.1077

Commissioner Mike Chaney
Mississippi Insurance Department
P.O. Box 79
Jackson, MS 39205

Re: MISSISSIPPI PUBLIC RECORDS ACT AS SAME IS INTERPRETED BY THE MISSISSIPPI INSURANCE DEPARTMENT MDOI 83-1

Dear Commissioner Chaney,

This is to request any data in the possession of MID concerning homeowner insurance claims as a result of Hurricane Katrina, excluding "Wind Pool and Flood Claims". Specifically, I would like to know the (1) total number of homeowner claims filed after the storm: (2) The total "insured amount claimed" filed by



homeowners after the storm: (3) the total amount paid out on those homeowner claims after the storm: (4) the total amount "not paid" on homeowner claims after the storm. If this information is not available, I respectfully request your office compile this information for public consumption from the insurance companies that received homeowner claims regulated by MID as a result of Hurricane Katrina.

In March 2006, the Insurance Information Institute has reported 355,000 homeowner claims filed, 5.5 Billion paid, with average homeowner claim paid in Mississippi after Katrina \$15,422 per claim. The III stated these numbers do not include wind pool or flood claims information. Since March 2006, insurance companies have paid more claims to settle lawsuits and other related homeowner claims, so tracking these overall numbers is a fair request under the MDOI 83-1 Freedom of Information Act

Since this request is for the overall homeowner claims totals from the insurance companies regulated by MID, it clearly will not violate any confidential information or cause any harm to these companies to release this information, and if the information is not available, for MID to request the information from the insurance companies that handled homeowners'™ claims after Hurricane Katrina, excluding Wind Pool and Flood Claims.

Pursuant to MDOI 83-1, I may be required to pay a fee. If applicable, please let me know the amount I am responsible to pay for this information. I also would expect that your office follow every regulation set forth in MDOI 83-1 and respond in accordance. I have attached a copy of MDOI 83-1 for your reference.

I have also fax a copy of this letter to your office and placed a copy in the mail.

Thank you in advance for your cooperation.

Sincerely,

Kevin Buckel
448 Russell Ave, Long Beach, MS 39560

Msg sent via CableONE.net MyMail - <http://www.cableone.net>

RESEARCH REFERENCES

ALR. State freedom of information act requests: right to receive information in particular medium or format. 86 A.L.R.4th 786. Public access to records and proceedings of civil actions in Federal District Courts. 96 A.L.R. Fed. 769.

§ 25-61-5. Public access to records; form and retention of denials.

(1) Except as otherwise provided by Sections 25-61-9 and 25-61-11, all public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body, or, in the event that a public body has not adopted such written procedures, the right to inspect, copy or mechanically reproduce or obtain a reproduction of a public record of the public body shall be provided within one (1) working day after a written request for a public record is made. No public body shall adopt procedures which will authorize the public body to produce or deny production of a public record later than fourteen (14) working days from the date of request for the production of such record.

(2) Denial by a public body of a request for access to or copies of public records under this chapter shall be in writing and shall contain a statement of the specific reasons for the denial. Each public body shall maintain a file of all denials of requests for public records. Public bodies shall be required to preserve such denials on file for not less than three (3) years from the date such denials are made. This file shall be made available for inspection and/or copying during regular office hours to any person upon written request.

SOURCES: Laws, 1983, ch. 424, § 3, eff from and after July 1, 1983.

Cross References — Exemption of certain judicial records from chapter, see § 9-1-38.

Exemption of certain jury records from chapter, see § 13-5-97.

Exemption of certain personnel records from chapter, see § 25-1-100.

Exemption of certain attorneys' work products from chapter, see § 25-1-102.

Exemption of documents from third parties containing confidential information, see § 25-61-9.

Exemptions of records otherwise imposed by law, see § 25-61-11.

Proceedings to compel public access to public records under this section, see § 25-61-13.

Penalty for wrongful denial of access to records, see § 25-61-15.

Application of this chapter to legislature, see § 25-61-17.

Exemption of certain individual tax records from chapter, see § 27-3-77.

Exemption of certain appraisal records from chapter, see § 31-1-27.

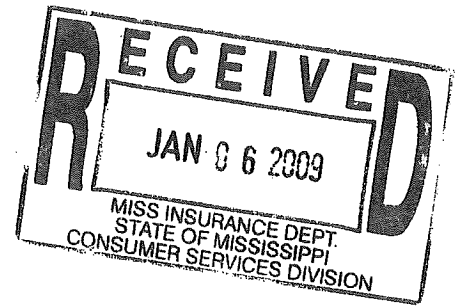
Exemption of certain academic records from chapter, see § 37-11-51.

Exemption of certain archaeological records from chapter, see § 39-7-41.

Exemption of certain hospital records from chapter, see § 41-9-68.

January 4, 2009

Via Facsimile 601.359.1077 - 601-359-2474
Commissioner Mike Chaney
Mississippi Insurance Department
P.O. Box 79
Jackson, MS 39205



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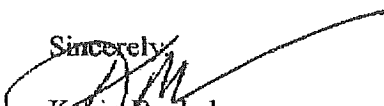
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Sincerely,

Kevin Buckel
448 Russell Ave, Long Beach, MS 39560

