

Arkansas Insurance Department

Mike Beebe
Governor



Jay Bradford
Commissioner

June 14, 2011

Certified Return Receipt 7003 1010 0000 9423 9836 and U.S. Mail

Robert Lowell Miller
c/o Candice Settle
Post Office Box 1695
Van Buren, AR 72957

NOTICE OF HEARING

Dear Mr. Miller:

You are hereby notified that the administrative hearing previously scheduled for June 16, 2011 at 9:00 a.m. pursuant to Ark. Code Ann. §§ 23-61-303, 23-64-216(e) and other applicable provisions of Arkansas law has been rescheduled for July 15, 2011 at 1:00 p.m. The hearing will be held before Insurance Commissioner Jay Bradford, as Hearing Officer, or his designee, in the First Floor Hearing Room, Arkansas Insurance Department ("Department"), 1200 West Third Street, Little Rock, Arkansas. The purpose of this hearing is to determine whether your producer license, which is now suspended, should be revoked for failure to comply with applicable Arkansas law.

You have the right to be represented by counsel of your own choosing at this proceeding. Additionally, the Commissioner will obtain a competent reporter to record the hearing. You may avail yourself of other privileges, including the Department's assistance to subpoena any needed witnesses or records.

Your written notification by mail or facsimile that you have received this notice of hearing must be received in this office within ten (10) days of your receipt. If your written notification is not received by the Department within ten (10) days, any and all expenses incurred by the Department in continuing the hearing or in notification of witnesses, including but not limited to, phone calls, issuance of subpoenas and postage, will be charged to the party or parties requesting such continuance. If you or your attorney determines that a continuance is necessary, or you have other questions or concerns, please contact me at (501) 371-2820.

The factual allegations against you are specifically set forth in the Petition and Emergency Suspension Order previously mailed to you on June 2, 2011, which are incorporated herein by reference.

Sincerely yours,

Amanda Capps Rose
Associate Counsel, Legal Division

cc: Fred Stiffler (via e-mail)
Mary Coney
Alice Jones (via e-mail)
Sandy Currington (via e-mail)
LoRaine Rowland (via e-mail)
Correspondence

**BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS**

ARKANSAS INSURANCE DEPARTMENT,)
Petitioner)
)
vs.)
)
ROBERT LOWELL MILLER,)
Respondent)

A.I.D. NO. 2011-035

PETITION

Comes now the Arkansas Insurance Department (hereinafter referred to as the “Department”), by and through its undersigned counsel, and petitions the Commissioner to issue an order pursuant to the Arkansas Insurance Code, Ark. Code Ann. §§ 23-60-101, *et seq.*

JURISDICTION

1. The Commissioner of Insurance has jurisdiction pursuant to the Code, specifically Ark. Code Ann. §§ 23-61-101, *et seq.*

PARTIES

2. Ark. Code Ann. §§ 23-61-101, *et seq.*, assigns the responsibility for administration of the Arkansas Insurance Code to the Arkansas Commissioner of Insurance (hereinafter referred to as the “Commissioner”). The Department is the lawful agency through which the Commissioner administers the Arkansas Insurance Code, and is authorized to bring this action for the protection of Arkansas consumers.

3. Robert Lowell Miller (hereinafter referred to as “Respondent”) is a person currently licensed by the Department as an insurance producer and currently holds Arkansas

Resident Producer License Number 18559. Respondent's producer license has been suspended by order of the Commissioner.

FACTUAL ALLEGATIONS

4. In correspondence dated March 3, 2011 addressed to the Commissioner, the Respondent provided the following information regarding misappropriation of premium funds:

a. Booth Cycle Center, Inc. paid five thousand five hundred three dollars and eighty-four cents (\$5,503.84) in premium to the Respondent through the Bob Miller Insurance Agency, Inc. ("Agency") on or about September 26, 2010 and the Agency's check to the broker, American Management Corporation, was returned for insufficient funds. Respondent stated that he is working to replace this coverage, which was cancelled on December 3, 2010.

b. Terminator Pest Control paid a down payment and premium financed the remaining premium on a general liability policy on or about November 1, 2010. The Agency's check to the broker, American Management Corporation, in the amount of six thousand ninety-five dollars and twenty-four cents (\$6,095.24) was returned for insufficient funds. Respondent stated that he is working to replace this coverage.

c. The Van Buren School District paid the Agency one hundred thousand sixty-nine eight hundred sixty-seven dollars (\$169,867.00) and the policy was written through Hanover Insurance Company, which has kept the policy in force despite your agency's check having been returned for insufficient funds.

d. A commercial policy for Thompson Investment Properties was written through Auto Owners Insurance Company and seventeen thousand two hundred ninety-eight

dollars (\$17,298) was paid to the Agency. However, the Respondent admitted that he failed to forward any of the premium or the application to the insurer.

e. A commercial policy for Breeden Robinson, LLC was written through Auto Owners Insurance Company and seven thousand eight hundred eighty dollars (\$7,880) was paid to your agency. However, the Respondent admitted that he failed to forward any of the premium or the application to the insurer.

CAUSES OF ACTION

5. Respondent lacks the trustworthiness, financial responsibility, and personal and business reputation required of licensees, which is grounds for license suspension or revocation pursuant to Ark. Code Ann. § 23-64-512(a)(8).

6. The failure of the Respondent and the Agency to forward consumer premium payments to the appropriate insurer for payment of the premium for which the funds were intended is a violation of Ark. Code Ann. § 23-64-223(a) and is grounds for the suspension or revocation of the of the Respondent's producer license pursuant to Ark Code Ann. § 23-64-512(a)(2), (4), (7).

COUNT ONE

7. The Department restates the facts as alleged in paragraphs one (1) through four (4). Respondent lacks the trustworthiness, financial responsibility, and personal and business reputation required of licensees, which is grounds for license suspension or revocation pursuant to Ark. Code Ann. § 23-64-512(a)(8).

COUNT TWO

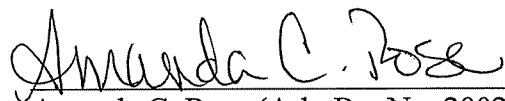
8. The Department restates the facts as alleged in paragraphs one (1) through four (4). The failure of the Respondent and the Agency to forward consumer premium payments to

the appropriate insurer for payment of the premium for which the funds were intended is a violation of Ark. Code Ann. § 23-64-223(a) and is grounds for the suspension or revocation of the of the Respondent's producer license pursuant to Ark Code Ann. § 23-64-512(a)(2), (4), (7)

WHEREFORE, PREMISES CONSIDERED, the Department requests the following relief:

1. That the Commissioner issue an order revoking the insurance producer license of Robert Lowell Miller pursuant to Ark. Code Ann. § 23-64-512(a);
2. That if such order is contested, as set forth under the provisions of the Arkansas Uniform Administrative Procedures Act, Ark. Code Ann. §§ 25-15-201, *et seq.*, and the rules promulgated thereunder, that the Petitioner be awarded such costs as may be taxable; and
3. That all such other relief as the Commissioner may deem just and proper be granted.

Respectfully submitted,



Amanda C. Rose (Ark. Bar No. 2002081)
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(501) 371-2820