

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF
LUCY IRENE MCCARLEY a/k/a
LUCY MITCHELL

A.I.D. NO. 2005- 066

CONSENT ORDER

On this day Julie Benafield Bowman, Arkansas Insurance Commissioner ("Commissioner") and Lucy Irene McCarley a/k/a Lucy Mitchell (Respondent) agree to enter into this Consent Order for the purpose of resolving all issues related to the Amended Suspension Order, AID No. 2002-083B. The Arkansas Insurance Department ("Department") is represented by Sara Farris, Associate Counsel. Respondent is unrepresented. From the facts and law before the Commissioner, she finds:

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and subject matter pursuant to Ark. Code Ann. §23-61-103.
2. Respondent was licensed as a resident life and health insurance agent until her license was suspended by A.I.D. Order No. 2002-083. The suspension was amended by A.I.D. Order No. 2002-083B.
3. On May 6, 2002, the Department received information submitted with Respondent's Arkansas Replacement License Renewal Form that on March 7, 2001, Respondent was charged by Indictment with (1) aiding and abetting

another in making a knowingly and willfully false, fictitious, and fraudulent material statement to an officer of the Immigration and Naturalization Service, in violation of 18 U.S.C. §§ 2 and 1001; and (2) knowingly and corruptly persuading another to give false testimony in a criminal trial, in violation of 18 U.S.C. § 1512(b)(1).

4. Respondent failed to inform the commissioner of these charges within ten days.

5. Due to the above allegations, A.I.D. Order # 2002-083 suspended Respondent's license. A hearing on the above allegations was scheduled for January 14, 2003. On January 14, 2003, Respondent's attorney requested a continuance, pending a decision on the underlying criminal matter. This request for continuance was granted.

6. On May 9, 2003, Respondent was convicted of aiding and abetting a false statement, a Class D felony, in violation of 18 U.S.C. § 1001 and 2. Respondent did not inform the Department of this conviction.

7. Respondent appealed her conviction. She asked the Department not to revoke her license until a decision was rendered on her appeal, and the Department agreed. On November 23, 2004, Respondent's appeal to the United States Court of Appeals for the Eighth Circuit was denied.

CONCLUSIONS OF LAW

8. Respondent failed to inform the commissioner of the charges against her within ten days and is in violation of Ark. Code Ann. §23-64-201(h) (effective until July 1, 2002).

9. Respondent has been convicted of a felony, and in accordance with Ark. Code Ann. § 23-64-512(a)(6), the Commissioner is empowered to revoke her insurance producer's license(s).

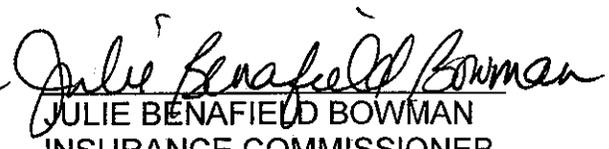
10. Respondent did not inform the Department in writing within thirty (30) days of her conviction, in violation of Ark. Code Ann. § 23-64-201(e) (effective July 1, 2002).

11. All licenses issued to Respondent by the Department should be revoked.

THEREFORE, in consideration of these Findings of Fact and Conclusions of Law, it is hereby ORDERED AND AGREED that, pursuant to Ark. Code Ann. §23-64-216(a), all licenses issued by the Department to Lucy Irene McCarley a/k/a Lucy Mitchell are hereby revoked.

IT IS SO ORDERED this 16th day of December, 2005.


LUCY MCCARLEY MITCHELL


JULIE BENAFIELD BOWMAN
INSURANCE COMMISSIONER
STATE OF ARKANSAS