

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

**IN THE MATTER OF THE ADMINISTRATIVE
HEARING TO APPEAL THE DEPARTMENT'S
DENIAL OF TODD WEDIGE'S APPLICATION
FOR RESIDENT INSURANCE PRODUCER LICENSE**

AID NO. 2007- 011

ORDER

A hearing was held on March 1, 2007 in the hearing room of the Arkansas Insurance Department in accordance with the provisions of Arkansas Administrative Procedures Act and pertinent provisions of the Arkansas Insurance Code pursuant to a written request by Todd Wedige ("Appellant") dated January 9, 2007. Lenita Blasingame, Chief Deputy Insurance Commissioner, acted as the hearing officer pursuant to her designation as such by Julie Benafield Bowman, Insurance Commissioner, pursuant to Ark. Code Ann. § 23-61-103(d). The Insurance Department was represented by Amanda Capps Rose, Associate Counsel, and other members of the Insurance Department. Appellant represented himself and waived his right to legal counsel.

FINDINGS OF FACT

From the testimony of witnesses, evidence introduced at the hearing, exhibits filed in connection therewith, reports and statements on file with the Insurance Department, and representations of counsel, the Commissioner finds as follows:

1. On or about January 2, 2007, the Appellant submitted the Uniform Application for Arkansas Individual Resident Insurance Producer License.

2. By letter dated January 5, 2007, the Insurance Department declined the Appellant's application based upon the nature of a 1988 Class A Misdemeanor conviction for indecency with a child younger than seventeen (17) years of age.

3. Appellant requested an administrative hearing to appeal the denial of his producer application by letter dated January 9, 2007.

4. Appellant and Richard Russell, testifying for the Appellant, were the only witnesses at the hearing. Exhibits 1 through 13 were admitted without objection during the hearing.

5. Appellant gave testimony concerning the circumstances surrounding his 1988 Class A Misdemeanor conviction in Dallas County, Texas and his reasons for pursuing his producer license. Richard Russell testified as to the character of the Appellant.

CONCLUSIONS OF LAW

Based upon the above and foregoing Findings of Fact and the evidence before her, the Commissioner concludes that the circumstances surrounding the 1988 Class A Misdemeanor conviction for indecency with a child younger than seventeen (17) years of age do not cause the Insurance Department to call into question the Appellant's trustworthiness, financial responsibility, or personal or business reputation. The Commissioner further concludes that the factual circumstances surrounding the commission of the crime do not provide substantial evidence to support the denial of the Appellant's producer application.

IT IS THEREFORE ORDERED that the decision of the Insurance Department to deny the Appellant, Todd Wedige's, Application for Arkansas Individual Resident

Insurance Producer License is hereby reversed. It is further ordered that the Appellant will promptly be issued a permit to sit for the Arkansas Agent's Examination.

DATED this 21st day of March, 2007.


JULIE BENAFIELD BOWMAN
INSURANCE COMMISSIONER
STATE OF ARKANSAS