

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

**IN THE MATTER OF
DANIEL JEWEL MARLAR
LICENSE NO. 24673 and
MARLAR INSURANCE AGENCY, INC.**

A.I.D. NO. 2007- 018

EMERGENCY SUSPENSION ORDER

On this day, the emergency matter of Daniel Jewel Marlar (“Respondent”) and Marlar Insurance Agency, Inc. came before Julie Benafield Bowman, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (“Department”) is represented by Associate Counsel, Amanda Capps Rose, in this matter. From the facts and law before the Commissioner, she finds as follows:

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. § 23-61-103. The Commissioner has the authority to issue emergency license suspensions pursuant to Ark. Code Ann. § 23-64-216(e) and § 25-15-211(c).
2. Respondent is licensed as a health and accident, property, casualty, life, marine, and surety agent and holds Arkansas resident producer license #24673.
3. Respondent has abandoned his agency, The Marlar Insurance Agency, Inc., located at 2222 Main Street, North Little Rock, Arkansas, 72114.
4. One or more of the Respondent’s appointments have been terminated for cause.
5. On February 23, 2007, the Department received a complaint from Wilber Coleman, on behalf of Tony Perry. The complaint alleged that the Mr. Perry completed an application for property insurance and that the Respondent accepted payment of \$161.00. The Department has reviewed pertinent documentation and concluded that the application was not

received by the insurer and that the check from Mr. Perry in the amount of \$161.00 was deposited by the Respondent, but not forwarded to the insurer.

6. On February 27, 2007, the Department received a complaint from Sonia Potter, alleging that she paid an auto policy premium payment of \$260.00 to the Respondent, for which a receipt was provided. Her auto policy was subsequently cancelled for non-payment. The Department is investigating this complaint.

7. Other consumers have contacted the Department with concerns regarding premium payments accepted by the Respondent but not received by the insurer.

8. Representatives of the Department have observed the physical condition of the Marlar Insurance Agency and have found the same to be in a state of disrepair that is both unsanitary and unsafe. While at the Marlar Insurance Agency, the Department's representatives also spoke to consumers who needed to make premium payments and were unable to do so due to the Respondent's abandonment of the building.

9. The public health, safety, and welfare imperatively require emergency action.

CONCLUSIONS OF LAW

From the Findings of Fact contained herein, the Commissioner concludes as follows:

10. Respondent lacks the competency, trustworthiness, financial responsibility, and personal and business reputation required of licensees pursuant to Ark. Code Ann. § 23-64-202.

11. Respondent has engaged in fraudulent and deceptive acts in violation of Ark. Code Ann. § 23-66-206, § 23-64-223, and § 23-66-502.

12. The public health, safety, and welfare imperatively require emergency action. For the protection of the people of this State, the Commissioner concludes that the Respondent's

producer license and any license issued by the Department to Marlar Insurance Agency, Inc. should be and hereby is immediately suspended pending an administrative hearing.

13. The Department shall notify Respondent's appointing insurance companies of this action pursuant to Ark. Code Ann. § 23-64-217(a).

14. An administrative hearing has been scheduled for May 10, 2007 pursuant to Ark. Code Ann. § 23-64-216(e) and notice of same will be provided to the Respondent simultaneously with this Order.

IT IS SO ORDERED THIS 11th day of April, 2007.



JULIE BENAFIELD BOWMAN
INSURANCE COMMISSIONER
STATE OF ARKANSAS