

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

**IN THE MATTER OF  
DANIEL JEWEL MARLAR,  
LICENSE NO. 24673 and  
MARLAR INSURANCE AGENCY, INC.,  
LICENSE NO. 248233**

**A.I.D. NO. 2007- 0 8 1**

**CONSENT REVOCATION ORDER**

On this day, Julie Benafield Bowman, Arkansas Insurance Commissioner (“Commissioner”), Daniel Jewel Marlar (“Respondent”), and Marlar Insurance Agency, Inc. agree to enter into this Consent Revocation Order for the reasons stated herein. The Arkansas Insurance Department (“Department”) was represented by Associate Counsel, Amanda Capps Rose, in this matter. The Respondent neither admits nor denies any of the Findings of Fact or the Conclusions of Law contained herein. 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.
2. On April 12, 2007, the Commissioner entered an Emergency Suspension Order, A.I.D. Order No. 2007-018, suspending the Respondent’s resident producer license number 24673 and the Marlar Insurance Agency, Inc.’s license number 248233. The emergency suspension was imperative for the public health, safety, and welfare for the reasons stated therein. Respondent has knowingly and voluntarily waived the right to a hearing on this summary suspension as provided in Ark. Code Ann. § 23-64-216(e).

3. Prior to April 12, 2007, the Respondent was licensed as a health and accident, property, casualty, life, marine, and surety agent and held an Arkansas resident producer license.

4. In 2002, the Respondent filed for bankruptcy in the United States Bankruptcy Court.

5. Between the years of 2003 and 2007, the Respondent was charged with passing at least six (6) hot checks by the Sherwood District Court, Hot Check Division.

6. The Respondent was arrested on August 20, 1999 for driving while intoxicated; however the charge was dismissed on March 14, 2001.

7. In January, 2006, PRAMCO III, LLC filed a lawsuit in Pulaski County Circuit Court against Marlar Insurance Agency, Inc. alleging that the agency default on promissory note in an amount exceeding \$48,000.00. The resolution of the lawsuit is unknown at this time.

8. Respondent abandoned his agency, The Marlar Insurance Agency, Inc., located at 2222 Main Street, North Little Rock, Arkansas, 72114, on or about the beginning of 2007.

9. One or more of the Respondent's appointments have been terminated for cause.

10. 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. Respondent has agreed to make restitution to Mr. Perry in the amount of \$161.00.

11. 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. Following this Department's investigation, it has been determined that the Respondent should make restitution to Ms. Potter in the amount of \$260.00.

12. Other consumers have contacted the Department with concerns regarding premium payments accepted by the Respondent but not received by the insurer. The Department continues to investigate complaints against the Respondent from Tanganyika Nichols, who allegedly paid \$158.00 toward her automobile insurance but was later told that she had no coverage by the insurance company, and Cheryl Maples, who allegedly paid \$1800.00 for a guardianship bond that she never received.

13. 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.

14. Respondent has been made aware of his right to legal counsel and has knowingly and voluntarily waived that right.

#### **CONCLUSIONS OF LAW**

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

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

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

17. For the protection of the people of this State, the Commissioner concludes that the Respondent's producer license and any license issued to Marlar Insurance Agency, Inc. should be revoked.

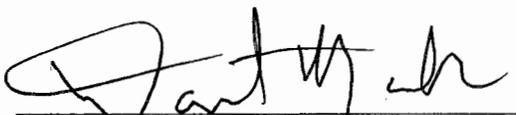
18. Respondent shall make restitution to Tony Perry and Sonia Potter as set forth above and provide the Commissioner with evidence that restitution was made.

19. The Department reserves the right to supplement this order based upon the completion of current investigations into consumer complaints or subsequent complaints received. The Department specifically reserves the right to order additional restitution, and proof that restitution has been made, as consumer losses are made known to the Department.

20. In consideration of the Commissioner's Conclusions of Law, the Respondent knowingly and voluntarily surrenders his producer license and any license issued to Marlar Insurance Agency, Inc. for immediate revocation by the Department.

IT IS SO ORDERED THIS 14<sup>th</sup> day of December, 2007.

  
JULIE BENAFIELD BOWMAN  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS

  
DANIEL JEWEL MARLAR  
RESPONDENT  
and on behalf of  
THE MARLAR INSURANCE AGENCY, INC.