

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

**IN THE MATTER OF
LUCAS L. ARMSTRONG;
LICENSE NO. 325515**

A.I.D. NO. 2008-

053

CONSENT ORDER

On this day, the matter of Lucas L. Armstrong (“Respondent”) 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. 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 her, the Commissioner 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. The Respondent currently holds Arkansas resident producer license number 325515. The Respondent’s last known address is in Pine Bluff, Arkansas.
3. On October 13, 2007, the Centers for Medicare and Medicaid Services (“CMS”) received a complaint from Helen Johnson regarding the Respondent. Ms. Johnson alleged that the Respondent misrepresented the Care Improvement Plus plan in which he enrolled Ms. Johnson.
4. The Respondent visited Ms. Johnson in July 2007 and has admitted to enrolling her in the Care Improvement Plus plan. However, the Respondent did not obtain a producer license in Arkansas until November 30, 2007 and, accordingly, was unlicensed at the time he solicited and sold insurance to Ms. Johnson.

5. CMS made the Department's Consumer Services Division ("CSD") aware of the complaint on or about October 23, 2007. In correspondence to the Respondent dated December 20, 2008, CSD requested a response to the complaint no later than January 16, 2008. On January 18, 2008, CSD sent a second request for a response to the complaint and received the response on January 22, 2008.

6. On or about February 4, 2008, CSD transferred the Respondent's file to the Legal Division for appropriate action.

7. On April 2, 2008, a Notice of Investigative Conference scheduled for April 24, 2008 was sent via certified mail to the Respondent. The Respondent signed the green card on April 9, 2008 and it was returned to the Department.

8. The Respondent failed to appear for the scheduled Investigative Conference. Legal Division counsel telephoned the Respondent and left a message stating that he failed to appear for the scheduled conference and that a failure to return the phone call could result in action being taken against his license. The Respondent failed to return the phone call.

9. The Respondent was contacted by Legal Division counsel on June 10, 2008, and during that telephone conversation the Respondent agreed to enter into a Consent Order and voluntarily surrender his resident producer license.

10. The 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:

11. The Respondent's failure to respond to CSD's initial inquiry within thirty (30) days is grounds for suspension of the Respondent's license pursuant to Ark. Code Ann. § 23-64-512(a)(13).

12. The Respondent's failure to appear at the April 24, 2008 Investigative Conference and his failure to assist this Department with its investigation into Ms. Johnson's complaint are grounds for suspension of the Respondent's license pursuant to Ark. Code Ann. §§ 23-64-512(a)(16) and 23-64-512(a)(17).

13. The Respondent is in violation of Ark. Code Ann. § 23-64-503 for selling, soliciting, and/or negotiating insurance without being duly licensed. The Respondent is also in violation of Ark. Code Ann. § 23-64-201 for consulting, counseling, and/or advising others on insurance matters without having first complied with the Producer Licensing Model Act, Ark. Code Ann. §§ 23-64-501, *et seq.*

14. In consideration of the Commissioner's Conclusions of Law, the Respondent knowingly and voluntarily surrenders his resident producer license number 325515 for immediate revocation by the Department.

IT IS SO ORDERED this 8th day of July, 2008.


JULIE BENAFIELD BOWMAN
INSURANCE COMMISSIONER
STATE OF ARKANSAS


LUCAS L. ARMSTRONG
RESPONDENT