BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF
Earl Gene McWhorter

A.I.D. NO. 2008- 059

CONSENT ORDER

On this day, Julie Benafield Bowman, Arkansas Insurance Commissioner ("Commissioner") and Earl Gene McWhorter (Respondent") agree to enter into this Consent Order for the reasons stated below. 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. On 6-20-2008 Respondent submitted to the Arkansas Insurance Department an application for licensure as a resident insurance producer. A question on the application required Respondent to state whether Respondent had ever been convicted of a crime. Respondent answered "no."

3. Pursuant to Ark. Code Ann. 23-64-506(c), the Commissioner conducted an investigation of Respondent's background and found that Respondent has been convicted of a crime.

CONCLUSIONS OF LAW

4. Respondent's criminal conviction is a violation of Ark. Code Ann. § 23-64-512(a) (8). Respondent's failure to provide correct information on Respondent's resident producer license application is a violation of Ark. Code Ann. §§ 23-64-512(a)(1) and (3).

THE PARTIES HAVE AGREED THAT:

A. Respondent shall be allowed to sit for the Arkansas Producer's Examination; however, Respondent will be placed on Probation upon successful completion of the Examination for one (1) full year of licensure.

B. Respondent understands that Respondent's conviction information will be open to the public pursuant to the Arkansas Freedom of Information Act of 1967, Ark Code Ann. §§ 25-19-101, *et. seq.*

C. Respondent understands that this Consent Order will be provided to the National Association of Insurance Commissioner and will be accessible by other states.

D. Respondent understands that this Consent Order may be used any future administrative proceedings brought against Respondent by the Commissioner.

IT IS SO ORDERED this 28th day of August, 2008.

Earl Gene McWhorter

JULIE BENAFIELD BOWMAN
INSURANCE COMMISSIONER
STATE OF ARKANSAS