

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

**IN THE MATTER OF
JERALD WAYNE LINDSEY,
LICENSE NO. 260473**

A.I.D. NO. 2008- 0 8 2

CONSENT ORDER

On this day Julie Benafield Bowman, Arkansas Insurance Commissioner (“Commissioner”), and Jerald Wayne Lindsey (“Respondent”) reached an agreement concerning the resident insurance producer’s license issued to Respondent by the Arkansas Insurance Department (“Department”). The Commissioner was represented by Nina Samuel Carter, Associate Counsel. The Respondent voluntarily and intelligently waived his right to a hearing and consented to the entry of this Consent Order. The parties agreed as follows:

FINDINGS OF FACT

1. Prior to August 18, 2008, Respondent was licensed in Arkansas as a resident accident, health, and sickness, property, casualty, life, marine, and surety insurance producer, license number 260473. Respondent’s last address of record at the Department is 300 East 5th, Pine Bluff, AR 71601. From information given to the Department, it appears that Respondent has moved although the License Division of the Department has not received a change of address notification from the Respondent in violation of Ark. Code Ann. § 23-64-507(f).

2. Respondent terminated employment with American General Life & Accident Insurance Company (“American General”) in May 2007.

3. American General subsequently provided the Department with information that an audit on Respondent's accounts revealed a deficiency in the amount of \$4,045.28.

4. Respondent was sent a Notice of Deficiency by American General, but failed to offer any objections or comments or pay the deficiency within the 30-day opportunity given to him by American General.

5. For the above actions, the Department alleges that Respondent is in violation of the Insurance Code for: Failing to timely inform the Department of a change in address, in violation of Ark. Code Ann. § 23-64-507(f); Breaching his fiduciary duty by failing to pay premiums to the insurer, in violation of Ark. Code Ann. § 23-64-223; Improperly withholding, misappropriating, or converting any moneys or properties received in the course of doing insurance business, in violation of Ark. Code Ann. § 23-64-512(a)(4); Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, lack of good personal or business reputation or financial irresponsibility, in violation of Ark. Code Ann. § 23-64-512(a)(8); Failing to provide a written response after receipt of a written inquiry from the Commissioner or her representative within thirty (30) days, in violation of Ark. Code Ann. § 23-64-512(a)(13); Failing to properly maintain business records, in violation of Ark. Code Ann. § 23-64-220; and Failing to remit premiums to the insurer within ten (10) days of receipt from the premium payor or policyholder, in violation of Ark. Code Ann. § 23-66-405(2); Collecting premium and retaining the premium for the agent's own personal use, in violation of Ark. Code Ann. § 23-66-406.

6. Respondent desires to voluntarily submit to license sanctions by the Department and to pay restitution to American General. In so doing, Respondent neither admits any allegations contained herein, nor makes any admissions related to the allegations or complaints filed herein.

CONCLUSIONS OF LAW

1. That the Commissioner has jurisdiction over the parties and over the subject matter herein pursuant to Ark. Code Ann. § 23-61-103.

2. That pursuant to Ark. Code Ann. § 23-64-216(d)(3), the Commissioner may order restitution of actual losses to affected persons. Respondent currently owes a sum of \$4,045.28 to American General and is hereby ordered to pay restitution through a payment agreement with American General. Proof of payment must be submitted to the Department.

3. That Respondent has been made fully aware of his right to a hearing and has voluntarily and intelligently waived said right and consents to the entry of this Consent Order.

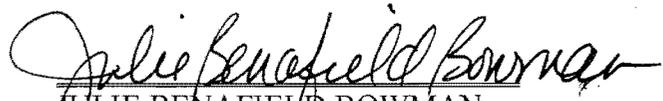
THEREFORE, in consideration of these Findings of Fact and Conclusions of Law, it is hereby ordered and agreed that:

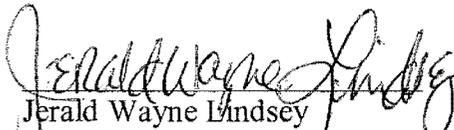
A. Respondent's resident Arkansas Insurance producer's licenses are hereby voluntarily surrendered and will be treated as a license revocation by the Arkansas Insurance Commissioner.

B. Pursuant to Ark. Code Ann. § 23-64-218(a)(1), Respondent shall immediately forward to the Insurance Commissioner all insurance producer and agency licenses.

C. The Commissioner will not consider re-licensure until the expiration of three (3) years from the date of this Order, and thereafter not until Respondent has paid in full all restitution in accordance with the provisions under Ark. Code Ann. § 23-64-217(b).

IT IS SO ORDERED THIS 7th day of November, 2008.


JULIE BENAFIELD BOWMAN
INSURANCE COMMISSIONER
STATE OF ARKANSAS


Jerald Wayne Lindsey

I HAVE ALREADY CUT UP MY CARDS
AND THROW THEM AWAY