

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF
RICKEY LYNNE WARREN
LICENSE NO. 256916

A.I.D. NO. 2009- 028

EMERGENCY LICENSE SUSPENSION ORDER

On this day the emergency matter of Rickey Lynne Warren ("Respondent") came before Jay Bradford, Arkansas Insurance Commissioner ("Commissioner"). The Arkansas Insurance Department ("Department") was represented by Zane A. Chrisman, Associate Counsel. From the facts and law before the Commissioner, he finds:

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the party and subject matter pursuant to Ark. Code Ann. §23-61-103 and the authority to issue summary license suspensions and/or order payment of penalties under Ark. Code Ann. §§ 23-60-108, 23-64-216(e), 23-64-512(a), and 23-66-408.
2. Respondent is licensed as a resident property, casualty, surety, marine, life, variable products, accident, health and sickness agent and holds Arkansas resident producer license #256916. Respondent's address is 20451 Lakeshore Cove, Hensley, Arkansas 72065. Respondent's date of birth is August 11, 1964. Respondent does not hold any appointments.
3. On February 13, 2008, Respondent sold a general liability and a workers compensation and employers' liability policy to Andres Gayton that was to have the term dates of February 13, 2008 to February 13, 2009. This was paid for with two checks: Check No. 2543 on February 1, 2008, for \$725, and Check No. 2522 on January 23, 2008, for \$1400. Mr. Gayton was given a "Certificate of Liability Insurance" from Commerce and Industry Insurance Company that stated the Policy No. was 6303AC289655 for the general liability policy. It also reflected the workers compensation policy carried Policy No. 29666580.

4. When Mr. Gayton received his policy, it stated the term dates were for January 24, 2007 to January 24, 2008. Mr. Gayton attempted to contact Respondent, but Respondent had closed his office.

5. It was later determined that the policy number given for the general liability policy was not a Commerce and Industry Company policy number and that the money had not been received by the insurance company.

6. The Arkansas Insurance Department requested information from Respondent several times. However, Respondent's only reply was that he was getting in touch with Mr. Gayton to resolve the matter. He did not answer the questions presented him by the Department.

VIOLATIONS

Respondent is in violation of:

7. Ark. Code Ann. §23-64-216(a) (1) which provides that a license may be suspended or revoked for violation of any of the causes listed in Ark. Code Ann. § 23-64-512;

8. Ark. Code Ann. § 23-64-512(a)(2) which provides that a license may be suspended or revoked for violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's insurance commissioner;

9. Ark. Code Ann. § 23-64-512 (a)(4) which provides that a license may be suspended or revoked for improperly withholding, misappropriating, or converting any moneys or properties received in the course of doing insurance business;

10. Ark. Code Ann. § 23-64-512 (a)(7) which provides that a license may be suspended or revoked for having admitted to having committed any insurance unfair trade practice or fraud;

11. Ark. Code Ann. § 23-64-512(a) (8), which provides that a license may be suspended or revoked for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

12. Ark. Code Ann. § 23-64-512(a) (13), which provides that a license may be suspended or revoked for failing to provide a written response after receipt of a written inquiry from the commissioner or his or her representative as to transactions under the license within thirty (30) days

after receipt thereof unless the timely written response is knowingly waived in writing by the commissioner;

13. Ark. Code Ann. § 23-66-501, which provides that it is a fraudulent insurance practice to embezzle, abstract, purloin, or convert moneys, funds, premiums, credits, or other property of an insurer, reinsurer, or person engaged in the business of insurance;

14. Ark. Code Ann. § 23-66-405(2), which provides that all premiums collected must be remitted to the insurer within ten (10) days of receipt from the premium payor or policyholder;

15. Ark. Code Ann. § 23-66-406, which provides an agent may not retain premium for her own personal use;

16. Ark. Code Ann. §23-64-223, which provides that an agent who collects money in her capacity as a licensee will act in a fiduciary capacity and remit the money to the person entitled thereto; and

17. Ark. Code Ann. § 23-64-506(e) (1) & (2), which provide that a resident applicant or producer must be deemed by the commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation, and that such qualifications must continue for an individual to remain licensed.

PENALTIES

18. The Department seeks sanctions, up to and including revocation of Arkansas insurance agent license of Respondent, pursuant to Ark. Code Ann. §23-64-216, Ark. Code Ann. 23-60-108, financial penalties pursuant to § 23-64-216(d) based upon the above findings of fact.

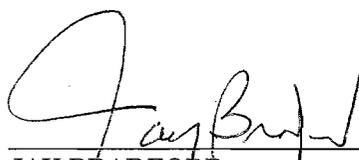
19. Due to the gravity of the allegations and averments, it is found that a public emergency exists and the public welfare imperatively requires emergency action of the immediate suspension of Respondents' insurance licenses.

20. Any and all licenses issued by the Department, whether acquired by the Respondent, Rickie Lynne Warren, for being a broker, agent, solicitor, insurance producer, or consultant in this State, are hereby suspended pending a promptly instituted hearing on the above matter.

21. The Department reserves the right to amend this Emergency License Suspension Order to include additional violations of state law.

22. A Notice of Hearing is enclosed. At the Hearing, the Department will seek to revoke all insurance licenses of Respondent based on the above allegations.

IT IS SO ORDERED THIS 30th day of March, 2009.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS