

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF
GWEN MOYO, AA COMMUNICATIONS, INC. &
AA RISK MANAGEMENT, INC.

A.I.D. NO. 2009- 038

FINAL CEASE AND DESIST ORDER

On this day the above matter of Gwen Moyo, AA Communications, Inc. and AA Risk Management, Inc. ("Respondents") came before Ms. Lenita Blasingame, Chief Deputy Commissioner of the Arkansas Insurance Department ("Hearing Officer"). The Arkansas Insurance Department ("Department") was represented by Booth Rand, Chief Counsel. From the facts before the Hearing Officer, it is found:

FINDINGS OF FACT

1. The Arkansas Insurance Commissioner ("Commissioner") has jurisdiction over this matter under Ark. Code Ann. § 23-65-101(a) which authorizes the Commissioner to issue a cease and desist order against persons, firms or companies conducting unauthorized insurance business in this State without first obtaining appropriate licensure with the Department.
2. On or about March 24, 2009, beginning at 2:00 P.M., in the First Floor Hearing Room at the Department, an administrative hearing ("Final Hearing") was held

to determine whether a permanent Cease and Desist Order should be entered against Respondents for engaging in unauthorized insurance activities in violation of Ark. Code Ann. §23-65-101(a)(2)(A). On or about December 17, 2008, an Emergency Cease and Desist Order & Order To Show Cause (AID Order # 2008-092) was issued against Respondents related to the unauthorized sale in February of 2006 of surety and performance bonds by Respondents. The bonds were issued by an entity named, First National Insurance Group ("FNIG"). The bonds were intended to provide surety coverage on the construction of a worship center for Old St. Paul Missionary Baptist Church ("Church") in West Memphis, Arkansas. At the time of the issuance of the bonds, none of the Respondents were licensed by the Department to sell or transact surety business as agents or producers. In addition, FNIG was not licensed by the Department to transact surety insurance business in this State. Following the issuance of the Emergency Cease and Desist Order in AID Order # 2008-092, a Final Hearing on the matter was scheduled for March 24, 2009, at 2:00 P.M., at the Department in the First Floor Hearing Room.

3. On or about March 24, 2009, the Commissioner designated Ms. Lenita Blasingame, Chief Deputy Commissioner, as the Hearing Officer for the Final Hearing in this matter pursuant to Ark. Code Ann. §23-61-103(e)(1). During the Final Hearing, a variety of documents were admitted into the administrative record as well as testimony from Ms. Taryn Lewis, investigator for the Legal Division of the Department. None of the Respondents appeared at the Final Hearing.

4. The Hearing Officer admitted the following items into the administrative record: (1) Department Amended Notice of Hearing and Emergency Cease and Desist

Order & Order To Show Cause in AID Order #2008-092; (2) Department Cover Letter and Notice of Public Hearing dated January 30, 2009, setting this matter for a Final Hearing for March 24, 2009 at the Department at 2:00 P.M.; (3) Certified return receipt card addressed to Trey Bobo (United States Marshall's Service) with delivery date of February 4, 2009; (4) Certified return receipt card to AA Communications, Inc., signed by Jo Rodrigues; (5) Returned mail from USPS with Notice of Hearing mailed to AA Communications, Inc. and AA Risk Management, Inc. in New Orleans, LA, Las Vegas, NV, Baton Rouge, LA and Houston, TX; (6) December 19, 2008 letter to Respondents with Notice of Hearing, Emergency Cease and Desist Order and Order to Show Cause from the Department by certified mail, return receipt and by regular mail; (7) Returned mail receipts from USPS with Notice of Hearing mailed to AA Communications, Inc. and AA Risk Management; (8) Department licensing records search for Respondents; (9) Letter dated April 11, 2007 from Department to a Mr. Larry Jackson, with Affidavit of Ms. Taryn Lewis; (10) FNIG General Power of Attorney appointing Gwendolyn Moyo, dated October 5, 2005; (11) March 15, 2006 letter from Gwen Moyo, AA Communications to a Mr. Keith Collins, Bank of Bartlett concerning payment bond and performance bonds of Respondents; (12) Payment bond for construction of new worship center signed by Gwen Moyo; (13) Performance bond for construction of new worship center signed by Gwen Moyo; (14) Petition, Request for Cease and Desist Order and for Injunctive Relief and Rule to Show Cause Case # 549569 filed on November 17, 2006 by the Louisiana Insurance Commissioner; (15) Order granting Petition in Case # 549569 filed on November 17, 2006; (16) Letter from Gwen Moyo to Old St. Paul Missionary Baptist Church dated January 6, 2007; (17) Letter from Old St. Paul Missionary Baptist Church

to Gwen Moyo dated January 8, 2007; (18) Letter dated March 16, 2007 from Mr. Larry Jackson, attorney for Old St. Paul to Commissioner regarding service on Gwen Moyo with Crittendon County Complaint, No. CV2007-126; (19) Indictment of Gwen Moyo in USDC, Eastern District of LA, USA vs. Gwen Moyo, et al; (20) October 21, 2008 article reporting Gwen Moyo found guilty in USA vs. Moyo, et al; (21) Letter from Gwen Moyo to Department in response to Emergency Cease and Desist Order and Notice of Public Hearing; and (22) Designation by the Commissioner of Ms. Lenita Blasingame, Chief Deputy Commissioner for Final Hearing.

5. The Respondents received adequate and lawful advance notice of the Final Hearing on this matter. No Respondent attended the Final Hearing in this matter.

6. The Respondents placed or procured a surety bond for a West Memphis, Arkansas construction project or about February of 2006. On or about February of 2006, the Respondents placed or procured a performance bond for a West Memphis, Arkansas construction project. At no time, before, during or after the placement of such bonds were Respondents licensed by the Department to sell or procure or place surety contracts in this State.

CONCLUSIONS OF LAW

1. The Respondents are in violation of Ark. Code Ann. §23-65-101(a)(2)(A) which states that no person or entity shall act as a producer, adjuster, or consultant without first obtaining appropriate licensure or registration as required by the insurance

laws of this State for the transaction of insurance with respect to subjects of insurance or self-insurance resident, located or to be performed in this State.

RECOMMENDATION OF HEARING OFFICER

Upon consideration of the evidence of record, the Hearing Officer recommends that the above described Findings and Conclusions of Law be approved and adopted and that the previous Department Emergency Cease And Desist Order # 2008-092 be affirmed pursuant to Ark. Code Ann. §23-65-101(b)(2)(C).



LENITA BLASINGAME
CHIEF DEPUTY COMMISSIONER
HEARING OFFICER
ARKANSAS INSURANCE DEPARTMENT

CERTIFICATION

I, Jay Bradford, Insurance Commissioner for the State of Arkansas, do hereby certify that the above and foregoing matter was conducted by Lenita Blasingame, Chief Deputy Commissioner and Hearing Officer, by and under my authority and supervision. I hereby adopt the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendation in full, as set forth herein.

IT IS SO ORDERED THIS 16th day of April, 2009.

A handwritten signature in black ink, appearing to read "Jay Bradford", is written over a horizontal line.

JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS