

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

**IN THE MATTER OF
EDWARD SHAMAR COLLINS**

A.I.D. NO. 2009-039

ORDER

On April 9, 2009, a hearing was held at the Arkansas Insurance Department ("Department") before Lenita Blasingame, Chief Deputy Commissioner and Hearing Officer duly designated by Jay Bradford, Arkansas Insurance Commissioner, over the matter regarding the denial of application for Resident Producer License by Edward Shamar Collins. The Department was represented by Nina Samuel Carter, Associate Counsel. From the facts, evidence, and law before the Commissioner, it is found as follows:

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and subject matter pursuant to Ark. Code Ann. § 23-61-103 and the authority to revoke producer licenses under Ark. Code Ann. § 23-64-216(e), and § 23-64-512(a).
2. Respondent applied for a permit to sit for the Arkansas Resident Insurance Producer License exam. In order to qualify to sit for the exam, an applicant must submit to a Background Check by the Arkansas State Police. The Background Check indicated that Respondent had a felony conviction on his record. As a result, the application was denied.
3. In an email dated February 13, 2009, Respondent requested a hearing to review the application denial.

4. On March 6, 2009, the Department requested information regarding Respondent's convictions and set a submission deadline of March 30. Respondent failed to provide the requested information. On April 6, Respondent was once again contacted regarding the requested documentation, but never provided the information.

5. A hearing was scheduled for April 9, 2009, at 2:00 p.m. At 2:10 p.m., Respondent called and stated that he was running late, but would be in attendance. At 2:25 p.m., Respondent called again and stated that he would need to reschedule or that the hearing should move forward without him.

6. Respondent failed to attend the scheduled April 9, 2009 hearing, despite being properly notified of the same. The Department proceeded to present its case.

7. The Arkansas Producer Licensing Model Act, codified at Ark. Code Ann. § 23-64-506(a)(2), requires that before an applicant may be approved for license, the Commissioner must ensure that the applicant has not committed any act that is a ground for denial, suspension, or revocation as set forth in Ark. Code Ann. § 23-64-512.

a. Respondent was convicted in 2003 of Felony Possession of Cocaine in Jefferson County Circuit Court. Under Ark. Code Ann. § 23-64-512(6), having been convicted of a felony is a ground for denial, suspension, or revocation.

b. The Department made a request in writing for documentation of Respondent's court records, but Respondent failed to respond or provide copies of the records. The failure to provide a written response after receipt of a written inquiry, the refusal to produce records, and the failure to cooperate with the Commissioner in an

investigation are all grounds for denial, suspension, or revocation as set forth in Ark. Code Ann. § 23-64-512(a).

8. The Arkansas Producer Licensing Model Act, codified at Ark. Code Ann. § 23-64-506(e)(1), requires that in order to obtain or renew an insurance producer's license, a resident producer must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation. In light of the foregoing findings of fact, Respondent does not meet the statutory prerequisites.

CONCLUSIONS OF LAW

Based upon the above and foregoing Findings of Fact and the evidence before her, the Hearing Officer concludes as follows:

9. The Hearing Officer has the authority to render a decision in this matter pursuant to the Administrative Procedure Act, Ark. Code Ann. §§ 25-15-201, *et seq.* and the delegation of authority from the Commissioner.

10. The testimony and supporting documentation entered into evidence at the hearing is sufficient to make a finding that the Respondent cannot be deemed "competent, trustworthy, and financially responsible, and of good personal and business reputation" to engage in the sale of insurance products as required by the Insurance Code, and does not meet the qualifications for licensure by the Department.

RECOMMENDATION OF HEARING OFFICER

Upon consideration of the evidence of record, the Hearing Officer recommends that the foregoing Findings and Conclusions of Law be approved and adopted and that the denial of the application for a permit to sit for the Arkansas

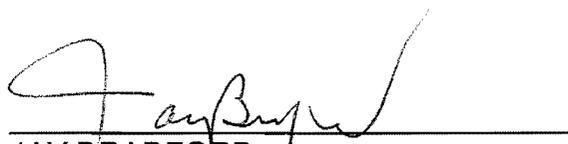
Resident Insurance Producer License exam by Respondent Edward Shamar Collins is hereby upheld.


Lenita Blasingame
Chief Deputy Commissioner and
Hearing Officer

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 17th day of April, 2009.


JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS