

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

**IN THE MATTER OF
BRENT ATKINS
LICENSE NO. 328487**

A.I.D. NO. 2009- 086

REVOCATION ORDER

On this day, the matter of Brent Atkins (“Respondent”) comes before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (“Department”) is represented by Chief Counsel, Booth Rand, in this matter. From the facts and law before the Hearing Officer, the Commissioner finds as follows:

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. § 23-61-103.
2. Prior to this Order, the Respondent was licensed by the Arkansas Insurance Department (“Department”) as a resident insurance producer and permitted to sell the following lines of insurance in this State: accident, health and sickness, casualty, life, property and surety.
3. On or about October 3, 2008, Reliable Life Insurance Company (“Reliable”) filed a complaint at the Department against Respondent alleging that, during the course of his employment with Reliable, Respondent collected but failed to forward to Reliable premium in the amount of \$320.28. As will be set out hereafter in this Order, Respondent failed to respond to numerous and repeated Department written inquiries related to the Complaint. On or about September 3, 2009, the Department set for an administrative hearing (hereafter, the “Hearing”) for October 14, 2009, at 10:00 A.M. at the Department and notified Respondent of the Hearing, concerning Respondent’s failure to respond to the Department inquiries regarding the Complaint.
4. William R. Lacy, Director of the Department’s Property and Casualty Division & Interim General Counsel & Deputy Commissioner, served as the duly appointed Hearing Officer. The Respondent failed to appear at the Hearing and has not made any contact with the Department related to his failure to attend the Hearing. Following the Hearing, the Hearing Officer recommended that Respondent’s producer’s

license be revoked. A record was made in the Hearing concerning the reasons for the revocation of the Respondent's license.

5. The Hearing Officer found that the Respondent's last known address as reported to the Department by Respondent is 10 Brantley Woods Drive, Apartment A, Conway, Arkansas is 72032. The Respondent also reported a business address listed as 801 Barrow Road, Suite 2, Little Rock, Arkansas 72205. The Hearing Officer found that Respondent received adequate notice of the Department's Notice of Public Hearing ("NOPH") setting this matter for hearing on October 14, 2009, at 10:00 A.M., at the Department.

6. After admitting into administrative evidence the Department exhibits and testimony of Department Legal Division investigator, Ms. Taryn Lewis, the Hearing Officer made the following findings:

(a) The Respondent received adequate notice of the NOPH through the Department's mailing to Respondent of the NOPH to Respondent's last reported addresses to the Department. Respondent also separately and independently received notice of the Hearing in the NOPH in certified, return receipt mailings of the NOPH. The NOPH was also mailed return receipt requested to Respondent to a variety of additional addresses supplied to Ms. Lewis by Respondent himself, as evidenced by return receipt records, one receipt of which appears to acknowledge receipt of the NOPH by the Respondent.

(b) The Respondent failed to attend the Hearing.

(c) The Respondent failed to respond to Department inquiries related to the Complaint mailed to him by the Department on four (4) separate occasions: December 4, 2008, January 16, 2009, March 25, 2009 and June 16, 2009. The Respondent was also notified in the mailings themselves of the penalties and consequences of not responding to the Department under Ark. Code Ann. §23-64-512(a)(13). Given the numerous failures by Respondent to respond to the Department letters, and, given the Respondent's failure to attend this Hearing, the Respondent's failure to respond to Department requests related to this Complaint, is intentional.

(d) In the absence of explanation or counter veiling evidence presented by Respondent in the Hearing, or provided to the Department previously by the Respondent, to rebut the allegations made against him in the Complaint, the Respondent is found to have collected premium in the amount

alleged by Reliable and is found to have failed to remit it to Reliable. The Respondent continues to owe Reliable the amount of the alleged deficiency (\$320.28) minus what his bond covered for such losses, such that Respondent owes Reliable \$49.39.

(e) The Respondent failed to provide the Department with an accurate, updated address under Ark. Code Ann. §23-64-507 within thirty (30) days after a change of address.

CONCLUSIONS OF LAW

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

1. By failing multiple times to respond to Department inquiries as to transactions taken by Respondent under his license, the Respondent is in violation of Ark. Code Ann. §§ 23-64-512(a)(13), 23-64-512(a)(16) and 23-64-512(a)(17).

2. By failing to respond to the Department inquiries related to the Complaint as well as the Respondent's failure to attend a Hearing related to his license, the Respondent is in violation of Ark. Code Ann. § 23-64-512(a)(8) related to his lack of trustworthiness and lack of good personal or business reputation to maintain an insurance producer's license.

3. By collecting premium and failing to forward the premium to Reliable, the Respondent is in violation of §§ 23-66-406(2), 23-64-223(3) and 23-64-512(a)(4).

4. Any of the above grounds by itself subject the Respondent to suspension or revocation of his producer's license under Ark. Code Ann. §§ 23-64-512(a).

RECOMMENDATIONS OF THE HEARING OFFICER

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and other matters before him, the Hearing Officer recommends:

1. Based upon the foregoing findings of fact and conclusion of law, I recommend immediate revocation of any and all licenses issued to Respondent by the Department. In addition, I recommend that in no event shall Respondent re-apply for a license following this Revocation until Respondent makes restitution and addresses his failure to respond to Department inquiries including his failure to attend a Department hearing.



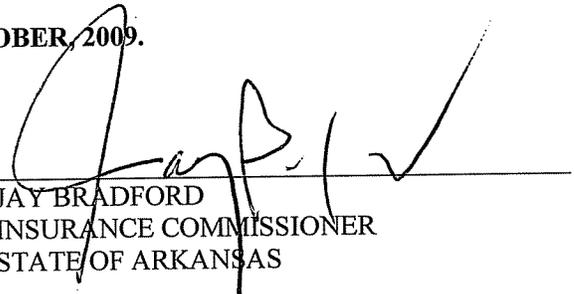
WILLIAM R. LACY
INTERIM GENERAL COUNSEL & DEPUTY
COMMISSIONER &
DIRECTOR, PROPERTY AND CASUALTY
DIVISION and HEARING OFFICER

CERTIFICATION

I, Jay Bradford, Insurance Commissioner for the State of Arkansas, do hereby certify that the above Findings of Fact, Conclusions of Law, and Recommendations of the Hearing Officer were made by and under my authority and supervision by William R. Lacy, Interim General Counsel & Deputy Commissioner and Director of the Property and Casualty Division and Hearing Officer in this proceeding. I hereby adopt the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendations in full and enter this Order.

THEREFORE, it is hereby ORDERED that the Respondent's Producer License No. **328487** is revoked in conformity with the recommendations of the Hearing Officer.

IT IS SO ORDERED THIS 29th DAY OF OCTOBER, 2009.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS