

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

**IN THE MATTER OF THE ADMINISTRATIVE
HEARING TO APPEAL THE DEPARTMENT'S
DENIAL OF JOHN SCOTT NICHOLAS' APPLICATION
FOR RESIDENT INSURANCE PRODUCER LICENSE**

AID NO. 2010- 020

ORDER

A hearing was held on February 4, 2010, in the hearing room of the Arkansas Insurance Department ("Department") in accordance with the provisions of the Arkansas Administrative Procedures Act and pertinent provisions of the Arkansas Insurance Code. Daniel Honey acted as the Hearing Officer pursuant to his designation as such by Jay Bradford, Insurance Commissioner, in accordance with Ark. Code Ann. § 23-61-103(e)(1). The Department was represented by Ashley Fisher, Attorney Specialist. Mr. Nicholas ("Appellant") represented himself and voluntarily waived her right to legal counsel.

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. § 23-61-103.
2. Appellant is a resident of Pea Ridge, Arkansas.
3. Appellant submitted his Application for an Arkansas Independent Adjuster License on or about October 27, 2009.
4. On November 5, 2009, Fred Stiffler, Jr., Director of the Department's License Division advised the Appellant that his application was denied based on the fact that he had filed bankruptcy and exhibited financial instability and irresponsibility and advised the Appellant of his right to an administrative hearing to appeal the determination.

5. On November 24, 2009 the Appellant signed a letter requesting an administrative hearing.

6. The requested hearing was originally scheduled for January 7, 2010, and a Notice of Hearing was sent to the Appellant. The Applicant requested a continuance for weather related purposes and the hearing was rescheduled and conducted on February 4, 2010, as scheduled.

CONCLUSIONS OF LAW

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

7. Based upon the evidence presented, the Appellant meets the requirement under Ark. Code Ann. § 23-64-506 of being financially responsible.

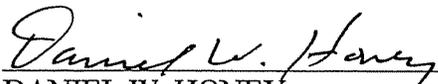
RECOMMENDATIONS OF THE HEARING OFFICER

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

8. That the Department's denial of the Appellant's, Application for an Arkansas Independent Adjuster License be reversed.

9. That Appellant be promptly issued a permit to sit for the Arkansas General Adjuster and Worker's Compensation Adjuster examinations.

10. That Appellant be placed on a one year unsupervised probation and to submit an updated credit report on February 1, 2011 to show a commitment to financial trustworthiness.

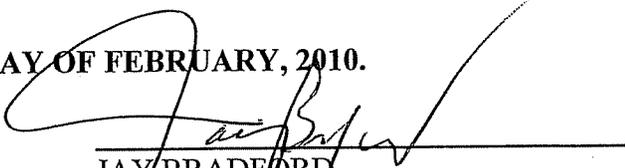

DANIEL W. HONEY
DEPUTY COMMISSIONER

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 Daniel Honey, Deputy Commissioner 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 Appellant shall be issued a permit to sit for the Arkansas General Adjuster and Worker's Compensation Adjuster examinations.

IT IS SO ORDERED THIS 11th DAY OF FEBRUARY, 2010.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS