

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

**IN THE MATTER OF
ROBERT MARK CURRY
LICENSE NO. 29150**

A.I.D. NO. 2010- 086

CONSENT ORDER

On this day, the matter of Robert Mark Curry (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (“Department”) is represented by Associate Counsel, Ashley Fisher, in this matter. From the facts and law before him, the Commissioner finds as follows:

GENERAL STIPULATIONS

1. It is expressly understood that this Consent Order is subject to the Commissioner’s acceptance and has no force or effect until such acceptance is evidenced by the entry of the Commissioner.

2. This Consent Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. Furthermore, should this Consent Order not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Consent Order by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation or resolution of this matter or any administrative proceedings.

3. Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against the Respondent for acts or omissions not specifically addressed in this Consent Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed.

4. After consultation with legal counsel or the opportunity to consult with legal counsel, the Respondent expressly waives all further procedural steps, and expressly waives all

rights to seek judicial review of or to otherwise challenge or contest the validity of the Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Consent Order by the Commissioner.

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. § 23-61-103.

2. Respondent is a resident of Hot Springs, Arkansas and is licensed as a resident accident, health, life, marine, property, casualty and surety insurance producer. His work address is 341 Kaufman Road, Hot Springs, Arkansas 71913.

3. Respondent works for Arkansas Best Insurance Company. He previously worked for Farmers Insurance.

4. While working for Farmers, the Respondent operated a premium sweep account. The Company had an Easy-Pay plan that allowed the agent to extend a premium payment for a consumer for up to four times.

5. Beginning in late 2006, Respondent stopped paying for his own auto insurance. He would extend his payment on each of his policies for the four times allowed by Farmers. When these policies went out of force for nonpayment, he would manually request an extension to keep the policies in force. Then, when the policies cancelled, he would write a new policy for each auto and set up a new monthly payment account. No payments were made on Respondent's auto policies until this was discovered in August of 2009.

6. A desk audit of the agency revealed that Respondent had issued 33 policies from December 2006 through August 2009 for his vehicles but failed to pay accumulated premiums owed. Upon the cancellation of Respondent's remaining auto policies for non-payment of

premium, the unpaid balance of earned premium was \$18,340.72. That amount was paid to the company.

7. Respondent has been advised of his right to a hearing and has knowingly and voluntarily waived his right to an administrative hearing and has agreed to the entry of this Consent Order.

CONCLUSIONS OF LAW

From the Findings of Fact contained herein, the Commissioner concludes as follows:

8. By failing to make his own premium payments and manipulating the Easy-Pay system to his own benefit, Respondent has violated Ark. Code Ann. §§ 23-64-216(a)(2)(A) and 23-64-216(a)(2)(H).

9. Based upon the foregoing, the Commissioner concludes that the Respondent shall pay a fine of \$1,000.00 to be paid by January 1, 2011, take an additional 4 hours of ethics continuing education and his Arkansas Resident Producer License No. 29150 should be and hereby is immediately placed in probationary status for a period of twenty four (24) months.

ORDER

NOW THEREFORE, on the basis of the foregoing and the waiver of the Respondent of his right to a hearing and appeal under the Arkansas Uniform Administrative Procedures Act, Ark. Code Ann. §§ 25-15-201, *et seq.*, and the admission by the Respondent of the jurisdiction of the Commissioner, the Commissioner finds that the Respondent has consented to the entry of this Order and that the following Order is appropriate and in the public interest.

IT IS THEREFORE ORDERED:

1. Respondent's Resident Producer License Number 29150 shall be, and hereby is, placed on probation for a period of two years from the date of this Order pursuant to Ark. Code

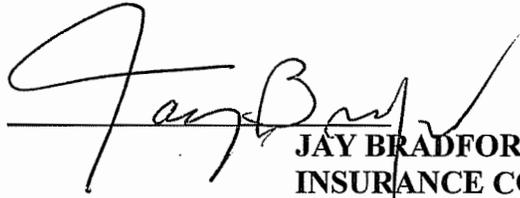
Ann. § 23-64-512(a) and is ordered to pay a fine of \$1,000.00. Any failure to comply with the provisions of this order or the Arkansas Insurance Code, or the receipt of similar or related complaints against the Respondent, during the period of probation may result in the suspension or revocation of the Respondent's producer license.

2. In addition to the one hour of ethics training required annually pursuant to Ark. Code Ann. § 23-64-301(b)(3), the Respondent shall complete four additional hours of ethics training each year during both 2011 and 2012. The additional hours of ethics training imposed by this Order shall not count toward the continuing education requirements imposed by the Arkansas Insurance Code.

3. Proof of compliance with the requirements imposed herein shall be promptly provided to the Department within ten (10) business days of the completion of each requirement.

4. This Consent Order is in the public interest, is in the best interests of the parties hereto, and represents a compromise and settlement of the controversy between the parties and is for settlement purposes only. By his signature affixed below, the Respondent affirmatively states that he has freely agreed to the entry of this Consent Order, that he has been advised that he may consult legal counsel in this matter and has had the opportunity to consult with legal counsel should he have desired to do so, that he waives his rights to a hearing on the matters underlying this Consent Order, and that no threats or promises of any kind have been made by the Commissioner, the Department, or any agent or representative thereof. The parties, by signing this Consent Order, affirmatively state their agreement to be bound by the terms of this Consent Order and aver that no promises or offers relating to the circumstances described herein, other than the terms of settlement set forth in this Consent Order, are binding upon them.

IT IS SO ORDERED this 19th day of October, 2010.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS



ROBERT MARK CURRY
RESPONDENT