

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

ARKANSAS INSURANCE DEPARTMENT,)
Petitioner)
)
vs.)
)
ERIKE SAWYER,)
Respondent)
)

A.I.D. NO. 2011- 035

REVOCATION ORDER

On this day, the matter of Erike Sawyer (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (“Department”) was represented by Amanda Capps Rose, Associate Counsel, in this matter. From the facts and law before the Commissioner, he 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. Respondent’s Arkansas Resident Producer License No. 326677 expired on November 18, 2010.
3. Respondent’s residence is located at 140 Ridge Road, Houston, Arkansas 72070.
4. The Department’s Consumer Services Division received a complaint from Doug Aden, alleging that the Respondent misappropriated premium funds paid and failed to secure the coverage for which the premium funds were paid.
5. Mr. Aden paid \$1864.00 to the Respondent for a one-year commercial policy. Mr. Aden’s bank account records reflect that the check cleared his account prior to his

completion of an application.

6. The policy for which Mr. Aden paid was never issued and the Respondent has failed to return the fee she charged Mr. Aden to secure the coverage. While a portion of the premium money was refunded by the Respondent, Mr. Aden is still owed \$350.00, which was paid to the Respondent as a "fee."

7. Respondent failed to obtain a written agreement signed by Mr. Aden that would allow for any fee to be paid to the Respondent above and beyond her commission. Further, there is no document that sets forth the services covered by any additional fee.

8. The Department's Consumer Services Division received a second complaint, from Nitaya Sinks, alleging misappropriation of funds by the Respondent.

9. Ms. Sinks made payment in the amount of \$1862.00 to secure commercial liability coverage to Sawyer Insurance via two checks that cleared her account within twenty-four (24) hours.

10. Approximately two months after the checks were written, Ms. Sinks received notice of cancellation of her policy for nonpayment of premium and learned that only \$866.00 of the \$1862.00 was paid toward the premium due. As part of her payment, Ms. Sinks paid the Respondent a fee in the amount of four hundred ninety-six dollars (\$496.00).

11. Respondent failed to obtain a written agreement signed by Ms. Sinks that would allow for any fee to be paid to the Respondent above and beyond her commission. Further, there is no document that sets forth the services covered by any additional fee.

12. Following referral of Ms. Sinks' complaint to the Legal Division of the Department, a Notice of Investigative Conference was sent requiring Ms. Sawyer to be present at the Department on March 22, 2011 to discuss the complaints of both Mr. Aden and Ms. Sinks.

Upon the Respondent's request, the conference was postponed until March 30, 2011. Respondent failed to attend the conference on that date.

13. An administrative hearing was held in this matter on April 27, 2011 and was completed on May 16, 2011. Respondent was made aware of her right to legal counsel at all administrative functions and chose to waive that right.

CONCLUSIONS OF LAW

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

14. Under the provisions of Ark. Code Ann. § 23-66-310(d), the a producer may only charge a fee in addition to his or her commission if the fee is based on a written agreement signed by the party to be charged in advance of the services to be performed and the services for which the fee is charged are specifically stated in the agreement.

IT IS HEREBY ORDERED that:

15. The amount owed to Mr. Aden is three hundred fifty dollars (\$350.00), and the amount owed to Ms. Sinks is four hundred ninety-six dollars (\$496.00). Accordingly, the total amount of restitution owed by the Respondent is eight hundred forty-six dollars (\$846.00). Respondent is hereby ordered to make payments as follows:

a. On or before the first day of each month, beginning on June 1, 2011 and ending on May 1, 2012, the Respondent shall send the amount of twenty-nine dollars and sixteen cents (\$29.16) to Doug Aden and forty-one dollars and thirty-three cents (\$41.33) to Nitaya Sinks via United States Mail.

b. Payments to Mr. Aden shall be mailed to 6525 Kelly Road, North Little Rock, Arkansas 72118 unless and until notice of a change in this address is provided to the Respondent by the Department. Payments to Ms. Sinks shall be mailed to Post Office

Box 15, Langley, Arkansas 71952 unless and until notice of a change in this address is provided to the Respondent by the Department.

c. Within ten (10) days of each monthly payment, evidence of the payment must be submitted to the Department, to the attention of Amanda Rose or Taryn Lewis, by providing a copy of the check, money order or other instrument used to make the payment.

16. Respondent's Arkansas Resident Producer License No. 326677 is hereby REVOKED. Respondent shall not conduct the business of insurance in the State of Arkansas unless and until he obtains a producer license at a future date consistent with the provisions of Ark. Code Ann. § 23-64-217(b).

IT IS SO ORDERED THIS 19th day of May, 2011.


LENITA BLASINGAME
CHIEF DEPUTY INSURANCE COMMISSIONER
STATE OF ARKANSAS