

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

**ARKANSAS INSURANCE DEPARTMENT,**     )  
**Petitioner**                                     )  
   )  
**vs.**   )  
   )  
**ROBERT LOWELL MILLER,**                     )  
**Respondent**                                     )

**A.I.D. NO. 2011-040**

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**EMERGENCY SUSPENSION ORDER**

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

**FINDINGS OF FACT**

1. Respondent holds Arkansas Resident Producer License No. 18559 and is licensed to write property, casualty, surety, marine, life, and accident, health and sickness insurance.
2. In correspondence dated March 3, 2011 addressed to the Commissioner, the Respondent provided the following information regarding misappropriation of premium funds:
  - a. Booth Cycle Center, Inc. paid five thousand five hundred three dollars and eighty-four cents (\$5,503.84) in premium to the Respondent through the Bob Miller Insurance Agency, Inc.(“Agency”) on or about September 26, 2010 and the Agency’s check to the broker, American Management Corporation, was returned for insufficient funds. Respondent stated that he is working to replace this coverage, which was cancelled on December 3, 2010.

b. Terminator Pest Control paid a down payment and premium financed the remaining premium on a general liability policy on or about November 1, 2010. The Agency's check to the broker, American Management Corporation, in the amount of six thousand ninety-five dollars and twenty-four cents (\$6,095.24) was returned for insufficient funds. Respondent stated that he is working to replace this coverage.

c. The Van Buren School District paid the Agency one hundred thousand sixty-nine eight hundred sixty-seven dollars (\$169,867.00) and the policy was written through Hanover Insurance Company, which has kept the policy in force despite your agency's check having been returned for insufficient funds.

d. A commercial policy for Thompson Investment Properties was written through Auto Owners Insurance Company and seventeen thousand two hundred ninety-eight dollars (\$17,298) was paid to the Agency. However, the Respondent admitted that he failed to forward any of the premium or the application to the insurer.

e. A commercial policy for Breeden Robinson, LLC was written through Auto Owners Insurance Company and seven thousand eight hundred eighty dollars (\$7,880) was paid to your agency. However, the Respondent admitted that he failed to forward any of the premium or the application to the insurer.

3. The public health, safety, and welfare imperatively require emergency action.

### **CONCLUSIONS OF LAW**

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

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

2. The Commissioner has the authority to issue an emergency license suspension pursuant to Ark. Code Ann. §§ 23-64-216(e) and 25-15-211(c).

3. Respondent lacks the trustworthiness, financial responsibility, and personal and business reputation required of licensees, which is grounds for license suspension or revocation pursuant to Ark. Code Ann. § 23-64-512(a)(8).

4. The failure of the Respondent and the Agency to forward consumer premium payments to the appropriate insurer for payment of the premium for which the funds were intended is a violation of Ark. Code Ann. § 23-64-223(a) and is grounds for the suspension or revocation of the of the Respondent's producer license pursuant to Ark Code Ann. § 23-64-512(a)(2), (4), (7).

5. For the public health, safety, and welfare of the people of this State, the Commissioner concludes that the Respondent's Arkansas Resident Producer License No. 18559 is immediately and summarily suspended pending an administrative hearing pursuant to Ark. Code Ann. § 23-64-216(e). A Notice of Hearing is being sent to the Respondent simultaneously with this Order.

6. The Department reserves the right to supplement this or any future order based upon the completion of its current and any future investigation of the Respondent and the Agency and disposition of any consumer complaints received by the Department. Any supplemental or additional order may impose, but is not limited to, restitution of misappropriated premium funds.

**IT IS THEREFORE ORDERED:**

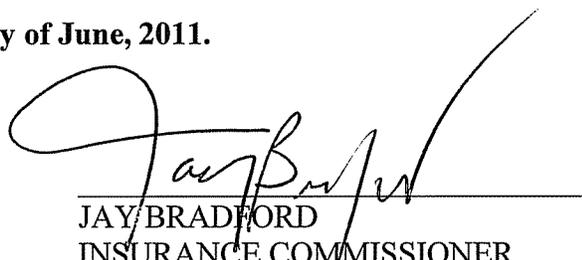
1. In consideration of the Commissioner's Findings of Fact and Conclusions of Law, the Respondent's Arkansas Resident Producer License No. 18559 is hereby immediately suspended.

2. Respondent is instructed to make restitution to American Management Corporation in the amount of seven thousand seven hundred forty-six dollars and eighty-eight

cents (\$7746.88); to Hanover Insurance Company in the amount of one hundred thousand sixty-nine eight hundred sixty-seven dollars (\$169,867.00); and to Auto Owners Insurance Company in the amount of twenty-five thousand one hundred seventy-eight dollars (\$25,178).

3. Evidence of an agreed payment schedule for each of the three above-listed entities shall be submitted to the Commissioner within thirty (30) days of the date of this Emergency Suspension Order. Evidence of payment in compliance with the schedules shall be submitted to the Commissioner every sixty (60) days thereafter until the debt is completely satisfied.

IT IS SO ORDERED THIS 2<sup>nd</sup> day of June, 2011.



JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS