

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

ARKANSAS INSURANCE DEPARTMENT,)
Petitioner)
)
vs.)
)
TRENT RICHARDSON,)
Respondent)

A.I.D. NO. 2011- 191

ORDER

On this day, the matter of Trent Richardson (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held at 9:00 a.m. on November 16, 2011, in the Hearing Room of the Arkansas Insurance Department (“Department”) pursuant to a Notice of Hearing dated October 18, 2011. The hearing was held before Chief Deputy Commissioner Lenita Blasingame (“Hearing Officer”), pursuant to her appointment by the Commissioner in accordance with Arkansas Code Annotated § 23-61-103. The Department was represented by Amanda J. Andrews, Associate Counsel.

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Arkansas Code Annotated § 23-61-103.
2. Respondent is a resident of Conway, Arkansas, and he submitted an application for an Arkansas Individual Resident Producer License to the Department on July 22, 2011.
3. Respondent admitted in the application that he had been convicted of a crime, and in a letter submitted along with the application, Respondent stated that he had been convicted of two (2) drug-related felonies in 1999.

4. After further investigation of Respondent's criminal history, the Department discovered that Respondent has been convicted of four (4) felonies: two (2) counts of battery in the second degree in 1997, one (1) count of possession of a controlled substance in 2002, and one (1) count of possession of drug paraphernalia in 2002. In 2008, Respondent violated probation for the two (2) drug-related convictions and was sentenced to eighteen (18) months in the Arkansas Regional Punishment Facility and an additional twenty-four (24) months suspended.

5. On September 28, 2011, the Department notified Respondent that it declined his application for a producer license and permit to sit for the Arkansas Producer's Examination on the basis that (1) Respondent failed to disclose two (2) battery convictions from 1997, and (2) the nature of Respondent's felony convictions.

6. Respondent requested a hearing to appeal the license denial, and the appeal hearing was scheduled for November 16, 2011.

7. Respondent appeared at the hearing on November 16, 2011, and under oath, Respondent admitted that since 1997, he has been conviction of four (4) separate felonies, violated probation in 2008, served time in prison on two (2) separate occasions, and recently completed parole for sentence related to the probation violation.

CONCLUSIONS OF LAW

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

8. Pursuant to Arkansas Code Annotated 23-64-202(a)(2)(C)(i), in order to obtain a producer's license in Arkansas, an individual must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation. *See also* Ark. Code Ann. § 23-64-506.

9. The Commissioner may refuse to issue an insurance producer's license to an individual who has been convicted of a felony. Ark. Code Ann. § § 23-64-512(a)(6).

10. Respondent has been convicted of four (4) felonies – two (2) felony convictions for battery and two (2) felony convictions for drug-related crimes – served time in prison on two (2) separate occasions, and recently completed parole.

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:

11. Based upon Respondent's criminal background, including the number and nature of his felony convictions and his recent completion of parole, I recommend that the decision of the Director of the Licensing Division to deny Respondent's Application for an Individual Resident Insurance Producer License and a permit to sit for the Arkansas Producer's Examination should be affirmed. I further recommend that Respondent be permitted to re-apply for a producer license and permit to sit for the Arkansas Producer's Examination in eighteen (18) months from the date of this Order.


LENITA BLASINGAME
CHIEF DEPUTY COMMISSIONER
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 Lenita Blasingame, Chief 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 Respondent's Application for an Individual Resident Insurance Producer License and permit to sit for the Arkansas Producer's Examination is denied. Respondent may re-apply for a producer's license and permit to sit for the Arkansas Producer's Examination in eighteen (18) months from the date of this Order.

IT IS SO ORDERED THIS 28th DAY OF November, 2011.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS