

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

ARKANSAS INSURANCE DEPARTMENT,)
Petitioner)
)
vs.)
)
JENNIFER MILLER,)
Respondent)

A.I.D. NO. 2012- 270

ORDER

On this day, the matter of Jennifer Miller (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held at 9:10 a.m. on February 29, 2012, in the Hearing Room of the Arkansas Insurance Department (“Department”) pursuant to a Notice of Hearing dated February 7, 2012. 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 Ava Franks, 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 held Arkansas Resident Producer License number 341396 and is a resident of Cabot, Arkansas. Respondent submitted a Renewal for her Resident Producer License to the Department on September 23, 2011.
3. Respondent admitted in the application that she had been convicted of a crime, and in a letter submitted along with the application, Respondent stated that she had not paid off hot checks written about eight (8) years ago.

4. After further investigation of Respondent's criminal history, the Department discovered that Respondent has been charged with one (1) count of endangering the welfare of a minor in 2003 and convicted of seven (7) misdemeanors: one (1) failure to pay the fine for hot checks in 2011, five (5) violations Arkansas' Hot Checks Law in 2008, and one (1) parking in a handicap parking spot in 2003.

5. The misdemeanor of parking in a handicap parking spot and the charge of child endangerment were not disclosed on her original Application for Arkansas Resident Producer License, signed by Respondent October 8, 2008.

6. On January 16, 2012, the Department notified Respondent that her Renewal for her Resident Producer License was declined on the basis that Respondent does not meet the requirements of trustworthiness, financial responsibility, and good personal and business reputation.

7. Respondent requested a hearing to appeal the non-renewal of her license, and the appeal hearing was scheduled for February 29, 2012.

8. Respondent appeared at the hearing on February 29, 2012 and testified under oath that since 2003 she has been convicted of six (6) misdemeanors and charged once with child endangerment.

CONCLUSIONS OF LAW

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

9. 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.

10. The Commissioner may refuse to renew an insurance producer's license to a licensee who has provided incorrect, misleading, incomplete, or materially untrue information on the license application. Ark. Code Ann. § 23-64-512(a)(1).

11. The Commissioner may refuse to renew a producer's license to an licensee who obtained a license through misrepresentation or fraud. Ark. Code Ann. § 23-64-512(a)(3).

12. The Commissioner may refuse to renew an insurance producer's license to an individual who used fraudulent or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state. § 23-64-512(a)(8).

13. Respondent has been convicted of seven (7) misdemeanors—one (1) count of failure to pay the fine for hot checks in 2011, five (5) violations of Arkansas' Hot Checks Law in 2008, one (1) count of parking in a handicap parking spot in 2003—and charged with child endangerment in 2003.

RECOMMENDATIONS OF THE HEARING OFFICER

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

14. Based upon Respondent's misrepresentation of her criminal background, including the number and nature of her misdemeanor convictions, I recommend that the decision of the Director of the Licensing Division to deny Respondent's Renewal for Resident Producer License should be affirmed. I further recommend that Respondent be permitted to reapply for a producer license 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 a Renewal for Resident Producer License is denied. Respondent may reapply for a producer's license eighteen (18) months from the date of this Order.

IT IS SO ORDERED THIS 9th DAY OF April, 2012.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS