

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

**IN THE MATTER OF
TARIN ELAINE ANDREWS,
LICENSE NO. 48203**

A.I.D. NO. 2012- 693

REVOCATION ORDER

On this day, the matter of Tarin Elaine Andrews (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held at 1:00 p.m. on September 5, 2012, in the Administrative Conference Room of the Arkansas Insurance Department (“Department”) pursuant to a Notice of Hearing dated August 2, 2012. The hearing was held before Chief Deputy Commissioner Lenita Blasingame (“Hearing Officer”) pursuant to her appointment by the Commissioner in accordance with Ark. Code Ann. § 23-61-103. The Department was represented by Nina Samuel Carter, Associate Counsel.

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and subject matter pursuant to Ark. Code Ann. §§ 23-61-103, *et seq.*
2. Respondent is currently licensed in Arkansas as a resident accident, health, and sickness, casualty, life, and property insurance producer. Respondent holds Arkansas resident producer license number 48203. Respondent’s address of record at the Department is 1522 Caldwell St., #A, Conway, AR 72034.
3. The Department received allegations of possible violations of the insurance code at agent Amy Sparks’ State Farm insurance agency. State Farm

independently conducted an investigation and subsequently provided its results to the Department. A State Farm memorandum dated April 18, 2012, detailed the investigation and indicated that Tarin E. Andrews was the employee primarily responsible for electronically transmitting customer payment records to State Farm and for making the Premium Fund Account (PFA) bank deposits at Ms. Sparks' agency. The audit showed that several customer checks had been deposited into the PFA but credit was not given to those customers. There were four instances where the cash portion of the PFA bank deposit was short. The shortages were offset by the deposit of checks for which customers received either delayed or no credit for their payments. There were also several customers who paid in cash that did not receive credit for their payments. In most of these instances, Ms. Andrews accepted and entered their payments into the computer and later deleted the electronic payment records, which precluded customers from receiving credit for their payments.

4. According to the April 18 State Farm memo, Ms. Sparks attempted to review several questioned payment transactions with Ms. Andrews and Ms. Andrews reportedly got up and left the office during the conversation. Ms. Sparks subsequently terminated Ms. Andrews' employment and made a report to the Conway Police Department.

5. State Farm provided information that the total amount of funds which have been misappropriated by Ms. Andrews is \$4,940.08. This calculation is based upon Ms. Andrews' failure to deposit a total of \$3,274.85 in cash from customer payments on four different dates, as well as her failure to deposit funds totaling \$1,665.23 from several customer cash payments.

6. The Department has previously issued a Consent Order on May 23, 2000, against Respondent, AID Order No. 2000-199, which found that Respondent violated Ark. Code Ann. § 23-64-301, et seq. for failure to comply with the Continuing Education requirements. This Order suspended Respondent's license until she satisfactorily complied with the continuing education requirements, sent proof of compliance to the Department, and paid a penalty in the amount of \$150.00.

7. A Bench Warrant for Respondent's arrest was issued on June 6, 2012, by the Faulkner County Circuit Court in connection with Criminal Case Number 23CR-12-623, State v. Tarin Elaine Andrews, for the crimes of Fraudulent Insurance Acts, Ark. Code Ann. § 23-66-502, a Class D Felony, and Theft of Property Value Greater than \$1,000 but Equal to or Less than \$5,000, Ark. Code Ann. § 5-36-103, a Class D Felony. Respondent was arrested on the outstanding arrest warrant on June 7, 2012, according to the filed Bench Warrant.

8. The criminal information cover sheet and other filings for Case Number 23CR-12-623 list the current address for the Respondent as 1015 N. 4th Street, Dardanelle, AR 72834.

9. A Notice of Hearing was sent on August 2, 2012, by certified and regular mail to the last address of record on file at the Department to perfect service as required by Ark. Code Ann. § 23-61-109(c). The certified mail receipt for the Notice sent on August 2, 2012, shows that delivery was attempted on August 2 and August 9. On August 17, the Notice was returned to the Department marked "Return to Sender, Unclaimed, and Unable to Forward."

10. A second Notice of Hearing was sent to the Respondent at 1015 N. 4th Street, Dardanelle, AR 72834, the address used in the criminal proceedings, on August

29, 2012, as a courtesy. Attempts were also made to reach the Respondent via telephone, but were unsuccessful.

11. The certified mail receipt shows that the noticed was received by Dean Trigg at the Dardanelle address on August 30, 2012.

12. Respondent failed to appear in person or through legal counsel at the hearing held on September 5, 2012.

CONCLUSIONS OF LAW

13. The testimony and supporting documentation entered into evidence at the hearing is sufficient to make a finding that the Respondent cannot be deemed “competent, trustworthy, and financially responsible, and of good personal and business reputation” to engage in the sale of insurance products as required by the Insurance Code, and no longer meets the qualifications for licensure by the Department.

14. Ark. Code Ann. § 23-64-512(a) provides, in pertinent part, that the Commissioner may place on probation, suspend, revoke, or refuse to renew an insurance producer’s license upon finding that an insurance producer has violated one or more of the grounds enumerated therein.

15. Respondent failed to notify the commissioner in writing within 30 days of any filing of a criminal charge or conviction or plea of a criminal charge, which is a violation of Ark. Code Ann. § 23-64-201.

16. Respondent failed to inform the commissioner of a change of address within 30 days of the change, in violation of Ark. Code Ann. § 23-64-507(f), or willfully refused to accept communication from the Department and thus refused to cooperate with the commissioner, which is a violation of Ark. Code Ann. § 23-64-512(a)(13).

17. Respondent failed to respond to the Department's Notice of Hearing which required a response and failed to cooperate with the Department's investigation and subsequent hearing, which is a basis for license revocation pursuant to Ark. Code Ann. § 23-64-512(a)(13), (16, and (17).

18. Respondent failed to provide evidence to refute these allegations, thus, it is concluded that:

a) Respondent improperly withheld, misappropriated, or converted moneys or properties received in the course of doing insurance business, which is a basis for license revocation pursuant to Ark. Code Ann. § 23-64-512(a)(4);

b) Respondent used fraudulent, coercive, or dishonest practices or demonstrated incompetence, untrustworthiness, lack of good personal or business reputation or financial irresponsibility, which is a basis for license revocation pursuant to Ark. Code Ann. § 23-64-512(a)(8); and

c) Respondent failed to pay premiums to the insurer, in breach of her fiduciary duty as a licensee to treat these moneys as trust funds, in violation of Ark. Code Ann. § 23-64-223.

21. Pursuant to Ark. Code Ann. § 23-64-512, the Commissioner is authorized to revoke Respondent's license because she no longer meets the qualifications required for a license as described above.

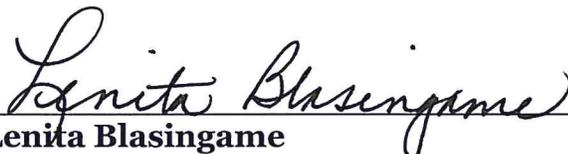
RECOMMENDATION OF HEARING OFFICER

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

A. The Department has met its burden of proof with respect all elements of the violations and to revoking any and all of Respondent's resident insurance producer licenses.

B. Any and all licenses issued by the Department to Respondent Tarin Elaine Andrews, specifically Arkansas Resident Insurance Producer License No. 48203, are hereby revoked on the grounds stated above.

C. Pursuant to Ark. Code Ann. § 23-64-218(a)(1) and (2), Respondent shall immediately forward to the Commissioner all insurance licenses issued to Respondent by the Department.



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 and foregoing matter was conducted by Lenita Blasingame, Chief Deputy Commissioner and Hearing Officer, by and under my authority and supervision. I hereby adopt the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendation in full, as set forth herein.

IT IS SO ORDERED THIS 17th **day of September, 2012.**



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS