

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

**IN THE MATTER OF
ELIZABETH C. LEMONS,
LICENSE #285950**

AID ORDER NO. 2013- 123

CONSENT ORDER OF REVOCATION

On this day, Jay Bradford, the Insurance Commissioner for the State of Arkansas (“Commissioner”) and Elizabeth C. Lemons (“Respondent”) reached an agreement concerning the funeral expense insurance producer license issued to Respondent by the Arkansas Insurance Department (“Department”). The Commissioner was represented by Nina Samuel Carter, Associate Counsel. Respondent neither admits nor denies the Findings of Fact and Conclusions of Law as set forth below. From the facts and law before the Commissioner, he finds as follows:

GENERAL STIPULATIONS

1. It is expressly understood that this Consent Order is subject to the Commissioner’s acceptance and has no force or effect until such acceptance is evidenced by the entry of the Commissioner.
2. This Consent Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause.
3. Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against the Respondent for acts or omissions not specifically addressed in this Consent Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed.
4. Having the right to consultation with legal counsel, the Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or

to otherwise challenge or contest the validity of the Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Consent Order by the Commissioner. This Consent Order is in the public interest, is in the best interests of the parties hereto, and represents a compromise and settlement of the controversy between the parties and is for settlement purposes only. By its signature affixed below, the Respondent affirmatively states that she has freely agreed to the entry of this Consent Order, that she has been advised that she may consult legal counsel in this matter and have had the opportunity to consult with legal counsel should she have desired to do so, that she waives her right to a hearing on the matters underlying this Consent Order, and that no threats or promises of any kind have been made by the Commissioner, the Department, or any agent or representative thereof. The parties, by signing this Consent Order, affirmatively state their agreement to be bound by the terms of this Consent Order and aver that no promises or offers relating to the circumstances described herein, other than the terms of settlement set forth in this Consent Order, are binding upon them.

FINDINGS OF FACT

5. Respondent Elizabeth C. Lemons' resident funeral expense insurance limited lines producer license was placed on emergency suspension on September 5, 2013, pursuant to A.I.D. Order No. 2013-088.

6. Prior to the entry of the emergency suspension order, Respondent was currently licensed by the Department as a resident funeral expense insurance limited lines producer, License Number 285950, with the last address of record at the Department being 4894 Highway 367 W., Bradford, Arkansas 72020. Respondent is the Manager, Owner, and Funeral Director at Bradford Funeral Home.

7. Bradford Funeral Home's prepaid funeral benefit permit was also placed on emergency suspension on September 5, 2013, pursuant to A.I.D. Order No. 2013-087.

8. Respondent is also regulated by the Arkansas State Board of Embalmers and Funeral Directors ("Board"). On August 15, 2013, the Board conducted a hearing based on complaints by several individuals against Respondent and Bradford Funeral Home. Based on the evidence received at the hearing and all legal arguments made, the Board found the following relevant facts [other findings not provided herein]:

- a. Physician signatures were forged on at least twelve (12) death certificates handled by Bradford Funeral Home.
- b. Respondent specifically admitted that she signed the physician's name to three (3) death certificates after they were returned to the funeral home by the Arkansas Department of Health for corrections.

9. On August 23, 2013, the Board issued an Order which suspended the Funeral Director's License issued to Respondent for one year, suspended the establishment license for Bradford Funeral Home of Kensett, AR for one year, and suspended the establishment license for Bradford Funeral Home of Bradford, AR for one year. The Order also provided for civil penalties to be paid within 90 days of receipt of the Order. The failure to pay the civil penalties ordered on each separate license will result in revocation of that license.

10. For the above actions, the Department alleges that Respondent is in violation of the Insurance Code for: Having admitted or been found to have committed any insurance unfair trade practice or fraud, in violation of Ark. Code Ann. § 23-64-512(a)(7); Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, lack of good personal or business reputation or financial irresponsibility, in violation of Ark. Code Ann. § 23-

64-512(a)(8); and Forging another's name to any document related to an insurance transaction, in violation of Ark. Code Ann. § 23-64-512(a)(10).

11. Respondent desires to voluntarily submit her license for revocation by the Department.

CONCLUSIONS OF LAW

12. Ark. Code Ann. §§ 23-61-101, *et seq.*, assigns the responsibility for administration of the Arkansas Insurance Code to the Arkansas Commissioner of Insurance (hereinafter referred to as the "Commissioner"). The Department is the lawful agency through which the Commissioner administers the Arkansas Insurance Code, and is authorized to bring this action for the protection of Arkansas consumers.

13. The Commissioner has jurisdiction over the parties and subject matter pursuant to Ark. Code Ann. §§ 23-40-107(a), 23-40-108, and 23-61-103.

14. The Commissioner hereby concludes that the facts set forth in the Findings of Fact, above, provide grounds for the issuance of this Order.

15. The Respondent admits to the reasonableness and fairness of the Findings of Fact and Conclusions of Law contained herein, and hereby desires to enter into this Consent Order for purposes of avoiding additional administrative action by the Department.

ORDER

NOW THEREFORE, on the basis of the foregoing and the waiver of the Respondent of her rights to a hearing and appeal under the Arkansas Uniform Administrative Procedures Act, Ark. Code Ann. §§ 25-15-201, *et seq.*, and the admission by the Respondent of the jurisdiction of the Commissioner, the Commissioner finds that the Respondent has consented to the entry of this Order and that the following Order is appropriate and in the public interest.

IT IS HEREBY ORDERED that:

A. Respondent's resident funeral expense insurance limited lines producer's license is hereby voluntarily surrendered for immediate revocation by the Department.

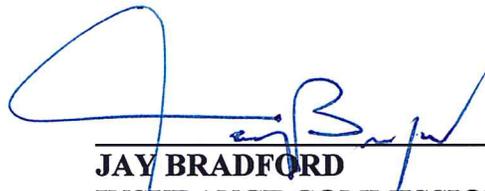
B. Pursuant to Ark. Code Ann. § 23-64-218(a)(1), Respondent shall immediately forward to the Insurance Commissioner all insurance producer and agency licenses.

C. The Department shall notify Respondent's appointing insurance companies of this action pursuant to Ark. Code Ann. § 23-64-217(a)(3).

D. The Department reserves the right to amend and/or supplement the facts contained in this Order to include additional violations of state law, with notice to Respondent.

IT IS SO ORDERED, DIRECTED, AND AGREED TO AS OF THE 20th **DAY**
OF NOVEMBER, 2013.

December



**JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS**


ELIZABETH C. LEMONS