

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

**IN THE MATTER OF  
LARRY G. ACKLIN  
License Number: 17405  
and LARRY G. ACKLIN  
FUNERAL HOMES**

A.I.D. NO. 2014- 079

**CONSENT ORDER**

On this day, the matter of Larry G. Acklin (“Respondent”) and Larry G. Acklin Funeral Home (“Funeral Home”) is taken under consideration by Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (the “Department”) was represented by Nina Samuel Carter, Associate Counsel. The Respondent voluntarily and intelligently waived his right to a hearing and consented to the entry of this Consent Order. 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 it has freely agreed to the entry of this Consent Order, that it has been advised that it may consult legal counsel in this matter and have had the opportunity to consult with legal counsel should it have desired to do so, that it waives its 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 holds an active Resident Limited Lines Arkansas Producer's License for Funeral Expense granted by the Department, License No. 17405. Respondent's last address of record at the Arkansas Insurance Department is 17 Oak Tree Circle, North Little Rock, AR 72116.

6. Respondent owns and operates Larry G. Acklin Funeral Home, which has a current Pre-Paid Funeral Benefits Permit in the State of Arkansas to sell and maintain prepaid funeral benefits under Ark. Code Ann. § 23-40-109. The Funeral Home has three branches, which are located in Little Rock, Conway, and Morrilton.

7. On or about July 16, 2013, the Department received information that a Notice of a Levy by the Internal Revenue Service (“IRS”) had been served on the Funeral Home indicating that certificates of deposits held in trust were to be seized to satisfy outstanding federal taxes owed by the Funeral Home.

8. Moneys held in a trust fund for the benefit and protection of prepaid funeral benefits contract purchasers shall not be subject to levy pursuant to Ark. Code Ann. § 23-40-107(g). Accordingly, the IRS issued a Release of Levy on July 16, 2013.

9. Further investigation by the Department revealed that Respondent and Funeral Home had multiple instances of failure to pay state, federal, and employment taxes.

### **CONCLUSIONS OF LAW**

10. 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.

11. Pursuant to Ark. Code Ann. § 23-64-512(a), the Commissioner may place on probation, suspend or revoke a producer’s license upon finding that a producer has violated one or more of the grounds enumerated therein including the following causes:

- (2) Violating any law or regulation that calls into question the insurance producer’s fitness to hold a license; and

(15) Failing to pay state income tax or comply with an administrative or court order directing payment of state income tax.

12. Pursuant to Ark. Code Ann. § 23-40-111(b)(5)(A), if the Commissioner finds that the licensee has violated any rule, regulation or order of the Commissioner, a consent order is an appropriate remedy.

### COMPLIANCE PLAN

13. The parties hereto agree that the Respondent's Arkansas Resident Limited Lines License No. 17405 and the Funeral Home's Pre-Paid Funeral Benefits Permit will be placed on probationary status subject to the following terms and conditions:

- A. Respondent has entered into, and will maintain, an Installment Agreement with the Arkansas Department of Finance and Administration ("DF&A") to pay his delinquent and current state income taxes.
- B. Respondent will notify this Department within ten (10) days of entering into an Installment or Settlement Agreement with the Internal Revenue Service regarding the federal tax debt.
- C. Respondent will continue to make a \$100 monthly payment to the Arkansas Department of Workforce Services ("DWS"). Respondent will notify this Department if this payment plan is revised.
- D. Respondent will continue to make all agreed payments with DF&A, the IRS, and DWS as scheduled. Evidence acceptable to the

Commissioner of each monthly payment to each Agency will be submitted to the Department on a monthly basis.

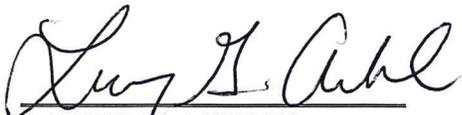
- E. Respondent will sign appropriate Releases for DF&A and DWS to enable the Department to receive notice if Respondent violates the terms of the Installment Agreement and is no longer compliant in paying his state income taxes. Similarly, Respondent will use IRS Form 8821 or other appropriate form to allow the Department to receive federal tax compliance information. Copies of these Releases will be provided to this Department within ten (10) days of entry of this Order.
- F. The term of this probation will last for the duration of the Installment Agreements with DF&A, the IRS, and DWS or a period of three (3) years from the date of this Order, whichever occurs first.
- G. The hold currently placed on the Funeral Home's Prepaid Funeral Benefits Trust Fund accounts will remain in place through the Respondent and Funeral Home's Probationary Status.
- H. Respondent is advised that Probationary Status means that the imposition of insurance license sanctions that the Commissioner may impose by law or consent is being suspended and is contingent upon his compliance and good conduct during this probationary period.

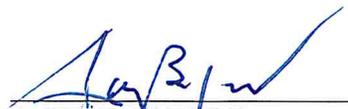
I. Respondent is also advised that any failure to comply with the provisions of this Order or the Arkansas Insurance Code, or the receipt of complaints against the Respondent or Respondent's Funeral Home, during the period of probation may result in the suspension or revocation of Respondent's Producer License and/or the Prepaid Funeral Benefits Permit.

**ORDER**

**NOW THEREFORE**, in consideration of these Findings of Fact, Conclusions of Law, and consent of the Respondent, it is hereby **ORDERED AND AGREED** that Respondent Larry G. Acklin and Larry G. Acklin Funeral Home shall be placed on Probationary Status in accordance with the agreed terms of the Compliance Plan, set forth above.

**IT IS SO ORDERED, DIRECTED, AND AGREED TO AS OF THE 14<sup>th</sup> DAY OF MAY, 2014.**

  
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LARRY G. ACKLIN  
RESPONDENT AND ON BEHALF  
OF THE FUNERAL HOME

  
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JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS