

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

**ARKANSAS INSURANCE DEPARTMENT,**     )  
**Petitioner**                                     )  
   )  
**vs.**   )  
   )  
**WILLIAM S. DAVIS**                             )  
**Respondent**                                     )  
   )

**A.I.D. NO. 2014- 146**

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**ORDER**

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On this day, the matter of William S. Davis (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (“Department”) was represented by Ava Franks, Associate Counsel, in this matter. From the facts and law before the Commissioner, he finds as follows:

**FINDINGS OF FACT**

1. Respondent holds Arkansas Resident Producer License No. 273411 (“License”) and resides in Little Rock, Arkansas.
2. On or about April 3, 2014, the Department received a complaint alleging that Respondent intentionally signed a consumer up for the wrong marketplace product.
3. As a way to mitigate his mistake, Respondent offered to purchase a dental plan for the consumer.
4. A hearing took place May 29, 2014 to determine if Respondent’s offer to purchase a dental plan for the consumer constitutes rebating.

**CONCLUSIONS OF LAW**

5. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. § 23-61-103.

6. Rebating, in the pertinent part, is defined as : paying or offering to pay as an inducement to the insurance contract any rebate of premiums payable on the contract or any special favor or other benefits thereon or any valuable consideration or inducemnet whatever not specified in the contract. Ark. Code Ann. § 23-66-206 (10)(A)(ii).

7. It is a trade practices violation for a producer to offer to pay any premium as an inducement to insure or after insurance has been effected. See Ark. Code Ann. § 23-66-308(a).

8. The Commissioner has the authority to place a license on probation or suspend a license for violating a law or regulation of the commissioner, pursuant to Ark. Code Ann. § 23-64-512.

**RECOMMENDATION OF THE HEARING OFFICER**

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

9. Respondent's Resident Producer License No. 273411 is suspended for ninety (90) days.

10. Respondent's license shall be placed on probation for twelve (12) months following the end of the suspension period.

  
LENITA BLASINGAME  
CHIEF DEPUTY COMMISSIONER  
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 do hereby adopt the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendation in full and enter this Order.

THEREFORE, it is hereby ORDERED that:

11. Respondent's Resident Producer License No. 273411 is suspended for ninety (90) days.
12. At the close of the ninety (90) day suspension, Respondent's Resident Producer License No. 273411 shall be placed on probation for twelve (12) months.

IT IS SO ORDERED THIS 18<sup>th</sup> day of June, 2014.

  
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JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS