

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

**IN THE MATTER OF
CHRISTINE DIAMOND, RESPONDENT
LICENSE NO. 0017793324**

AID ORDER NO. 2016- 025

CONSENT ORDER OF LICENSE REVOCATION

Now on this day before Allen Kerr, the Insurance Commissioner for the State of Arkansas ("Commissioner"), came Christine Diamond ("Respondent"), and the parties have reached an agreement concerning the title agent license issued to Respondent by the Arkansas Insurance Department ("Department"). The Commissioner is represented by Amanda Gibson, Associate Counsel. Respondent voluntarily waived her right to a hearing and to legal counsel, and consents to the entry of this Consent Order of License Revocation. 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 for the purpose of avoiding further administrative time, expense, and 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 Order or for facts and/or omissions that do not arise from the facts or transactions herein addressed.
4. Having the right to consult 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 this Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Order by the Commissioner. This Order is executed in the public interest, in the best interests of the parties hereto, and it represents a compromise

and settlement of the controversy between the parties. This Order is for settlement purposes only.

5. By her signature affixed below, 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 and has had the opportunity to consult with legal counsel, 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.

6. The parties, by signing this Consent Order, affirmatively state their agreement to be bound by the terms of this Order and aver that no promises or offers relating to the circumstances described herein have been made, other than the terms of settlement set forth in this Order, are binding upon them.

FINDINGS OF FACT

1. Respondent submitted false information on her application for a title insurance agent license. Specifically, she responded “No” to the first question on the Background Information section of the application regarding her past criminal history. This answer is “incorrect, misleading, incomplete, or materially untrue” because in 1989 Respondent pled guilty to a misdemeanor, in order to dispose of a felony theft charge that had been brought against her.

2. Respondent submitted false information on her Affidavit of Prior Title Work Experience. Specifically, she had a subordinate employee sign and attest to Respondent’s having completed 2000 hours of title work under the subordinate’s supervision, and during a time frame that does not correspond to the information in Respondent’s application.

3. Respondent submitted false information in her Affidavit of Employment by Resident Licensee. Specifically, the affidavit attests to Respondent’s being employed by the subordinate employee that signed the affidavit, when it was actually the reverse employment situation that was correct.

CONCLUSIONS OF LAW

1. 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.

2. The Commissioner has jurisdiction over the parties and subject matter pursuant to Ark. Code Ann. §§ 23-61-101 et seq., and specifically, 23-103-401 et seq.

3. Respondent’s actions as described in the Findings of Fact above, violate Ark. Code Ann. § 23-64-506(e)(1) requiring a resident applicant to “be deemed by the commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation.”

4. Respondent’s actions as described in the Findings of Fact above, trigger the application of Ark. Code Ann. § 23-64-512(a) which allows the Commissioner to “place on probation, suspend, revoke, or refuse to issue or renew an insurance producer’s license or may levy a civil penalty in accordance with § 23-64-216 or any combination of actions for any one (1) or more of the following causes: (1) Providing incorrect, misleading, incomplete, or materially untrue information in the license application”.

5. Respondent’s actions as described in the Findings of Fact above, further trigger Ark. Code Ann. § 24-64-512(a)(8) which allows the Commissioner to take action on the license of a producer for the use of “fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, lack of good personal or business reputation, or financial irresponsibility”.

6. Respondent’s actions as described in the Findings of Fact above, violate Department Rule 87 Section 5.A.(3) requiring an applicant to “be deemed competent, trustworthy, financially responsible, and of good personal and business reputation.”

7. Respondent’s actions as described in the Findings of Fact above, violate Department Rule 87 Section 5.A.(4) requiring an applicant to “submit a notarized affidavit from the applicant’s current or prior employer” attesting to personal knowledge that the applicant has completed 2000 hours of title work experience under the affiant’s supervision.

8. In light of the foregoing Findings of Fact and the evidence that Respondent submitted incorrect, misleading, incomplete, or materially untrue information in connection with her application, Respondent does not meet the statutory prerequisites and qualifications to hold a title insurance agent license in the state of Arkansas.

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

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 Administrative Procedure 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:

1. Respondent's Arkansas Title Agent License No. 0017793324 is hereby voluntarily revoked by the Department.
2. Respondent is prohibited from engaging in title insurance business as that term is defined in Ark. Code Ann. § 23-103-402(12).
3. 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 18th DAY OF MARCH, 2016.


ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS

Christine Diamond

CHRISTINE DIAMOND

RESPONDENT