

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

MICHAEL JENNINGS)
APPELLANT)

VS.)

ARKANSAS INSURANCE DEPARTMENT,)
RESPONDENT)

A.I.D. NO. 2016- 063

ORDER

On this day, the matter of Michael Jennings (“Appellant”) came before Allen Kerr, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held on May 4, 2016, at the Arkansas Insurance Department pursuant to the request of Appellant to appeal the Department's decision to deny his application for an Arkansas Producer's License. The hearing was held before General Counsel Suzanne Tipton, pursuant to her appointment by the commissioner in accordance with Ark. Code Ann. § 23-61-103. The Arkansas Insurance Department (“Department”) is represented by Gray Allen Turner, Associate Counsel, in this matter. From the facts and law before him, the Commissioner finds as follows:

FINDINGS OF FACT

1. Appellant is a resident of Benton, Arkansas. Appellant applied for an Arkansas Producer License. That application was denied on March 24, 2016, and Appellant made a timely request for an appeal hearing.

2. This matter came on for hearing on May 4, 2016. Appellant was present and waived his right to counsel.

3. Appellant testified that he was convicted of several felonies for being in possession of drug paraphernalia. He was also convicted of one felony count of theft of property. He has had no new charges since 2009 and has successfully completed all requirements of probation and parole.

CONCLUSIONS OF LAW

From the Findings of Fact contained herein, the Commissioner concludes as follows:

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. § 23-61-103.
2. Pursuant to Ark. Code Ann. § 23-64-506, in order to obtain a license an applicant must demonstrate that he is competent, trustworthy, financially responsible, and of good personal and business reputation.
3. Based upon the evidence before the Hearing Officer and the safeguards, terms and conditions set forth below, Appellant fulfilled his burden of showing that the Department should reverse its decision and grant his application to sit for the Arkansas Insurance Producer's License Examination.

RECOMMENDATION OF THE HEARING OFFICER

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

1. That the Department's denial of the Appellant's Application for an Arkansas Insurance Producer's License be reversed, and Appellant be promptly issued a permit to sit for the Arkansas Insurance Producer's Examination.


SUZANNE TIPTON
GENERAL COUNSEL AND
HEARING OFFICER

CERTIFICATION

I, Allen Kerr, 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 Suzanne Tipton, General Counsel and Hearing Officer in this proceeding. I 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:

1. Appellant shall be allowed to sit for the Arkansas Producer's Examination.

IT IS SO ORDERED THIS 15th, DAY OF July 2016.


ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS