

Arkansas Insurance Department

Mike Beebe
Governor



Lenita Blasingame
Commissioner

January 14, 2009

VIA CERTIFIED MAIL # 7003 1010 0000 9422 0636 + U.S. MAIL

Ms. Tamika Dale
P.O. Box 41483
Memphis, TN 38174

RE: Barbara Pennick/Care Improvement Plus, AID File No. 2007-226
Edwin Hurd/Windsor Health Plan, AID File No. 2008-134
Pansy Watson, AID File No. 2007-095

LETTER OF REPRIMAND

Dear Ms. Dale:

The above-referenced complaints were forwarded to the Legal Division for further handling. In this regard, you attended an investigative conference here at the Department on December 18, 2008. Our findings from the complaints and your responses are as follows:

With regard to the complaint from Consumer Pansy Watson, the selling point which caused Ms. Watson to purchase the annuity product was your assertion that if she had to go into a nursing home, the annuity would not be considered an asset for Medicare purposes. You stated in your response to the Department that you later found that you had been misinformed of that information. Please be aware that misrepresentation of policy terms is a violation of Ark. Code Ann. §§ 23-66-206(8)(A) and 23-66-306.

Concerning the complaint from Consumer Barbara Pennick, it is alleged that you "wouldn't give up", were too "pushy" and the consumer stated she "had never been under that much pressure to by anything in her life". Please note that Ark. Code Ann. § 23-66-303 states, "No person shall use intimidation or coercion as a means of securing insurance business". This complaint also alleges that you misled Ms. Pennick into believing that she would not lose her original Medicare, which is not true. This is another violation of Ark. Code Ann. §§ 23-66-206(8)(A) and 23-66-306.

Finally, with regard to Consumer Edwin Hurd, you admitted in your investigative conference that you went to the assisted living facility where Mr. Hurd was living and signed him up on a Windsor Medicare Advantage Plan without his knowledge by allowing the Director of the nursing home to sign as Power of Attorney, when the Director did not hold a power of attorney for the consumer. You failed to meet with the consumer before enrolling him and you failed to view the power of attorney document. This transaction demonstrates a lack of trustworthiness and could be grounds for revocation of your license pursuant to Ark. Code Ann. § 23-64-512(a) (8). Further this was an unsuitable sale as Mr. Hurd was a dual eligible and did not need the insurance in which you enrolled him, which is a violation of Ark. Code Ann. § 23-66-307(a).

Two of the above-referenced consumers alleged that you were rude to them and in one of the cases. Additionally, the notes of the investigation indicate that you were also rude to an employee of the SHIP Division of the Arkansas Insurance Department. Please be advised that you must conduct yourself in a professional manner while conducting business under your Arkansas Producer license and when dealing with consumers and your regulator.

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Ms. Dale, you should be aware that producers are being held to a higher degree of accountability by this Department. Please know that it is a privilege to serve as an insurance producer in the State of Arkansas. In the future, you must exercise more caution when dealing with Consumers, especially senior citizens who are the most vulnerable when it pertains to the matters of insurance.

Pursuant to the review of these files by this Department, you are hereby served with this Letter of Reprimand. In view of the foregoing violations, please be advised that this Letter of Reprimand will be placed in the appropriate file as a permanent record for referral should any other related matters arise in the future. Additionally, this Letter of Reprimand will be forwarded to the National Association of Insurance Commissioners (“NAIC”) for publication on the NAIC website. If you feel that this Letter of Reprimand is unjust or unwarranted, you may request an administrative hearing within thirty (30) days of your receipt of this correspondence.

Sincerely,



Amanda Capps Rose
Associate Counsel/Legal Division
(501) 371-2820.

ACR/tal

cc: Mary Coney, Chief Investigator
Taryn Lewis, Investigator