

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

**IN THE MATTER OF
ROBERT LOWELL MILLER,
LICENSE NO. 18559 and
BOB MILLER INSURANCE AGENCY, INC.,
LICENSE NO. 245317**

A.I.D. NO. 2011- 132

REVOCATION ORDER

On this day, the matter of Robert Lowell Miller ("Respondent") and Bob Miller Insurance Agency, Inc. ("Agency") came before Jay Bradford, Arkansas Insurance Commissioner ("Commissioner"). The Arkansas Insurance Department ("Department") is represented by Amanda Capps Rose, Associate Counsel, in this matter. From the facts and law before him, the Commissioner finds as follows:

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. § 23-61-103.
2. Respondent holds Arkansas Resident Producer License No. 18559 and is licensed to write property, casualty, surety, marine, life, and accident, health and sickness insurance. His producer license is currently suspended pursuant to an Emergency Suspension Order, A.I.D. Order No. 2011-040.
3. Respondent and his wife are the sole shareholders of the Agency, which holds Arkansas Resident Agency License No. 245317.
4. In correspondence dated March 3, 2011 addressed to the Commissioner, the Respondent provided the following information regarding misappropriation of premium funds:
 - a. Booth Cycle Center, Inc. paid five thousand five hundred three dollars and eighty-four cents (\$5,503.84) in premium to the Agency on or about September 26, 2010 and

the Agency's check to the broker, American Management Corporation, was returned for insufficient funds. Respondent stated that he is working to replace this coverage, which was cancelled on December 3, 2010.

b. Terminator Pest Control paid a down payment and premium financed the remaining premium on a general liability policy on or about November 1, 2010. The Agency's check to the broker, American Management Corporation, in the amount of six thousand ninety-five dollars and twenty-four cents (\$6,095.24) was returned for insufficient funds. Respondent stated that he is working to replace this coverage.

c. The Van Buren School District paid the Agency one hundred thousand sixty-nine eight hundred sixty-seven dollars (\$169,867.00) and the policy was written through Hanover Insurance Company, which has kept the policy in force despite your agency's check having been returned for insufficient funds.

d. A commercial policy for Thompson Investment Properties was written through Auto Owners Insurance Company and seventeen thousand two hundred ninety-eight dollars (\$17,298) was paid to the Agency. However, you admit that you failed to forward any of the premium or the application to the insurer.

e. A commercial policy for Breeden Robinson, LLC was written through Auto Owners Insurance Company and seven thousand eight hundred eighty dollars (\$7,880) was paid to your agency. However, you admit that you failed to forward any of the premium or the application to the insurer.

5. There may exist additional instances in which the Respondent received premium payments that were not forwarded to an insurer.

6. Respondent has been made aware of his right to an administrative hearing on this matter. Respondent has knowingly and voluntarily waived this right with the advice of legal counsel.

CONCLUSIONS OF LAW

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

7. Respondent lacks the trustworthiness, financial responsibility, and personal and business reputation required of licensees, which is grounds for license revocation pursuant to Ark. Code Ann. § 23-64-512(a)(8).

8. The failure of the Respondent and the Agency to forward consumer premium payments to the appropriate insurer for payment of the premium for which the funds were intended is a violation of Ark. Code Ann. § 23-64-223(a) and is grounds for the revocation of the Agency's license pursuant to Ark. Code Ann. §23-64-512(c).

9. For the protection of the people of this State, the Commissioner concludes that the Respondent's producer license and the Agency's license should be immediately revoked.

10. The Department reserves the right to supplement this order based upon the completion of its current and any future investigation of the Respondent and the Agency and disposition of any consumer complaints received by the Department.

IT IS THEREFORE ORDERED:

1. In consideration of the Findings of Fact and Conclusions of Law above, the Respondent's Arkansas Resident Producer License No. 18559 and the Agency's License No. 245317 are immediately revoked.

2. Respondent is instructed to make restitution to American Management Corporation in the amount of seven thousand seven hundred forty-six dollars and eighty-eight cents (\$7746.88); to Hanover Insurance Company in the amount of one hundred thousand sixty-

nine eight hundred sixty-seven dollars (\$169,867.00); and to Auto Owners Insurance Company in the amount of twenty-five thousand one hundred seventy-eight dollars (\$25,178). Any other premium payments converted by the Respond shall also be to the appropriate insurer, if coverage was bound, or refunded to the applicant if coverage was not bound.

3. Evidence of the ordered restitution shall be provided to the Commissioner on or before December 31, 2012.

IT IS SO ORDERED THIS 18th day of October, 2011.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS