

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

**IN THE MATTER OF  
MICHAEL IPPOLITO  
AID LICENSE NO. 382114**

**A.I.D. NO. 2012- 271**

**ORDER**

A hearing was held at 9:00 a.m. on March 28, 2012 in the Hearing Room of the Arkansas Insurance Department (“Department”) in The Matter of Michael Ippolito. The hearing was held before Hearing Officer and Chief Deputy Insurance Commissioner, Ms. Lenita Blasingame (“Hearing Officer”), pursuant to her appointment by Arkansas Insurance Commissioner, Jay Bradford, in accordance with Ark. Code Ann. § 23-61-103. The Department was represented by Booth Rand, Managing Attorney. Mr. Ippolito (hereafter, “Respondent”) failed to appear for the hearing.

**FINDINGS OF FACT**

From the facts before the Commissioner, it is found:

1. The Commissioner has jurisdiction over the parties and subject matter pursuant to Ark. Code Ann. § 23-61-103.
2. Prior to this Order, Respondent held a license in Arkansas as a non-resident insurance producer. Respondent’s address of record at the Department is 185 Spring Street, Springfield, Massachusetts 01105-1131.

3. On or about September of 2011, the Department had received separate complaints from Transamerica Life Insurance Company and Provident Life and Accident Insurance Company about misconduct allegedly committed by Respondent as an appointed producer for these insurers. During the course of investigating these complaints, the Respondent failed to attend or participate in an investigative conference set by the Department. Additionally, during the course of investigating the complaints, the Department discovered that Respondent's non-resident producer license was revoked by the insurance departments in Kansas and Idaho.

4. On February 29, 2012, the Department mailed to Respondent a Notice of Public Hearing ("NOPH"), setting an administrative hearing for March 28, 2012 at 9:00 A.M., to determine whether Respondent's non-resident producer's license should be revoked for the reasons that Respondent failed to attend or participate in the scheduled investigative conference at or with the Department, and also because of Respondent's license revocations in other states.

5. An administrative hearing was held on March 28, 2012 at 9:00 A.M. at the Department to determine whether Respondent's non-resident producer's license should be revoked on the basis alleged by the Department in its NOPH. The Respondent failed to attend this administrative hearing. At the hearing, the Hearing Officer received oral testimony from Ms. Mary Coney, investigator for the Legal Division of the Department, regarding this matter. The Hearing Officer also admitted into the administrative record the following documentary items:

- A. A March 26, 2012 Designation of Hearing Officer Memorandum, in which Insurance Commissioner, Jay Bradford, appointed Ms. Lenita Blasingame, Chief Deputy Commissioner, to act as Hearing Officer in this matter.
- B. A copy of a February 29, 2012 NOPH, with evidence of certified and regular mailing to Respondent's last reported address, setting this matter for hearing.
- C. A copy of a February 20, 2012 letter from Respondent's attorney responding to the Department's notice of investigative conference.
- D. A copy of a February 17, 2012, Department notice of investigative conference, with evidence of certified mailing, mailed to Respondent, setting an investigative conference for February 27, 2012 at the Department, to discuss the allegations being made against Respondent by Transamerica Life Insurance Company and Provident Life and Accident Company ("Unum").
- E. A copy of an Order from the Kansas Insurance Department (Docket No. 4378-SO) revoking Respondent's non-resident insurance producer's license in Kansas on or about November 7, 2012.
- F. A copy of an Order from the Idaho Insurance Department (Docket No. 18-2730-12) revoking Respondent's non-resident insurance producer's license in Idaho on or about February 7, 2012.

6. On the basis of the oral testimony received as well as the documentary items admitted into the record, the Hearing Officer finds that the Respondent received the NOPH and was, therefore, given notice of this administrative hearing on his license. The Hearing Officer finds that Respondent received a February 17, 2012 notice of investigative conference and failed to attend or otherwise participate in the investigative conference set for February 27, 2012. The Hearing Officer finds that Respondent provided no adequate justification as to why he should not be required to attend an investigative conference. The fact that Respondent may be involved in litigation with the complaining insurers is not an adequate reason to fail to attend, or to acknowledge the Department's request for an investigative conference, as part of Respondent's responsibilities as a licensed non-resident producer in this state. The Hearing Officer further finds that Respondent's non-resident insurance producer licenses were revoked in Kansas and Idaho. The Hearing Officer makes no findings, and no evidence was introduced, as to whether the allegations being made against Respondent by the insurers in their complaints are true.

### **CONCLUSIONS OF LAW**

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

7. The Respondent's failure to attend the February 27, 2012 investigative conference is in violation of Ark. Code Ann. § 23-64-512(a) (16) which provides that the

Commissioner may suspend or revoke an insurance producer's license for refusing to be examined or to produce accounts, records or files for examination.

8. The revocation of Respondent's insurance producer licenses in Idaho and Kansas subject Respondent to suspension or revocation of his license in this State under Ark. Code Ann. § 23-64-512(a)(9), which provides that the Commissioner may suspend or revoke an insurance producer's license when the producer's license is revoked in another state.

**RECOMMENDATIONS 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. That Respondent's non-resident producer license be revoked.



LENITA BLASINGAME  
DESIGNATED HEARING OFFICER  
CHIEF DEPUTY  
INSURANCE COMMISSIONER

**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 Ms. Lenita Blasingame, Hearing Officer and Chief

Deputy Insurance Commissioner. I hereby adopt her Findings of Fact, Conclusions of Law, and Recommendations in full and enter this Order.

THEREFORE, it is hereby ORDERED that Respondent's producer license is revoked.

IT IS SO ORDERED THIS 9<sup>th</sup> DAY OF APRIL 2012.

  
JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS