

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

**IN THE MATTER OF
TATE ANDREW COLE;
LICENSE NO. 26142**

A.I.D. NO. 2009- 052

CONSENT ORDER

On this day, the matter of Tate Andrew Cole (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (“Department”) is represented by Associate Counsel, Amanda Capps Rose, in this matter. The Respondent neither admits nor denies any of the Findings of Fact or the Conclusions of Law contained herein. 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 is a resident of Greenwood, Arkansas and holds Arkansas resident producer license number 26142.
3. On December 9, 2008, the Department’s Legal Division received correspondence from the Financial Industry Regulatory Authority (“FINRA”) regarding a complaint received concerning the Respondent. The complaint was filed by Jeff Thomas Huff, a general agent for American National Insurance Company (“American National”). FINRA determined that it lacked jurisdiction to investigate and forwarded the information to this Department.
4. During the time period covered in the complaint to FINRA, the Respondent was an agent for American National. During November 2008, the Respondent began as an agent for Shelter Insurance in Fort Smith, Arkansas.

5. In correspondence dated December 17, 2008, American National informed the Department of a check written by the Respondent to American National that was returned for insufficient funds. The correspondence also indicated that the Respondent had forged the signatures of four separate consumers on policy applications.

6. On March 11, 2009, the Respondent appeared at the Department in response to a Notice of Investigative Conference and answered the Department's questions under oath.

7. In response to the Department's inquiry regarding the allegations, the Respondent admitted that he signed the consumers' names on the applications in order to meet a deadline to submit the applications. Respondent further stated that the consumers were friends of his and that he had received affirmations from each that they wanted to proceed with the policy applications.

8. The check referenced above was in the amount of two thousand, six hundred dollars (\$2,600.00), written from an account titled Tate Cole Insurance Agency and signed by the Respondent. The check was dated October 19, 2008 and was returned marked "Not Sufficient Funds."

9. Respondent explained that he was attempting to return the funds to American National, which were originally paid to him by American National as commissions. Due to the forgeries, the Respondent attempted to return the commissions paid him as compensation for the month during which the forgeries occurred. During his March 11, 2009 investigative conference, the Respondent stated that he felt it was the right thing to do.

10. Respondent explained that the check was returned for lack of sufficient funds due to the fact that he was in the process of closing that account and establishing a premium trust account for use with Shelter Insurance. He stated during the investigative conference that he contacted American National and attempted to make arrangements to repay the funds after the check was returned.

11. Following the March 11, 2009 investigative conference, the Respondent was asked to provide the Department with a credit report and letters of recommendation, which he promptly submitted. The credit report does not give rise to any concerns regarding the Respondent's financial responsibility. The three (3) letters of recommendation speak very highly of the Respondent and his leadership in his community.

12. The Department's Consumer Services Division searched its available records, from 2000 to present, and found no record of any consumer complaint ever having been filed against the Respondent. No consumer has filed a complaint related to the matters discussed herein. Further, two (2) of the letters of recommendation submitted were written by consumers whose signatures were forged as discussed above. Each of the consumers had only very positive things to say about the Respondent's character.

13. Respondent has knowingly and voluntarily waived his right to an administrative hearing and has been informed of his right to legal counsel in this matter.

CONCLUSIONS OF LAW

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

14. Forging another's name to an application for insurance or any other insurance-related document is grounds for probation, suspension, or revocation of an insurance producer's license pursuant to Ark. Code Ann. § 23-64-512(a)(10).

15. Issuing a check from an account with funds that are insufficient to cover the amount of the draft is a display of financial irresponsibility, which is grounds for probation, suspension, or revocation of an insurance producer's license pursuant to Ark. Code Ann. § 23-64-512(a)(8).

IT IS THEREFORE ORDERED:

1. Respondent's resident producer license shall be, and hereby is, placed on probation for a period of two (2) years from the date of this order pursuant to Ark. Code Ann. § 23-64-512(a). Any failure to comply with the provisions of this order or the Arkansas Insurance Code, or the receipt of similar or related complaints against the Respondent, during the period of probation may result in the suspension or revocation of the Respondent's producer license.

2. Respondent shall pay the amount of two thousand six hundred dollars (\$2600.00) to American National on a schedule acceptable to American National, but to be paid in full no later than one hundred twenty (120) days from the date of this order.

3. In addition to the one hour of ethics training required annually pursuant to Ark. Code Ann. § 23-64-301(b)(3), the Respondent shall complete one additional hour of ethics training each year during both 2009 and 2010. The additional hour of ethics training imposed by this order shall not count toward the continuing education requirements imposed by the Arkansas Insurance Code.

4. Proof of compliance with the requirements imposed herein shall be promptly provided to the Department within ten (10) business days of the completion of each requirement.

IT IS SO ORDERED this 15th day of May, 2009.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS



TATE ANDREW COLE
RESPONDENT