

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

**IN THE MATTER OF
TINA S. DICKEY
LICENSE NO. 43795**

A.I.D. NO. 2009- 0 8 8

CEASE AND DESIST ORDER

Now on this day the matter of Tina S. Dickey (“Respondent”), is taken under consideration by Jay Bradford, Insurance Commissioner for the State of Arkansas (“Commissioner”), as presented by Amanda Capps Rose, Associate Counsel, Legal Division of the Arkansas Insurance Department (“Department”). From the facts, matters and other things before the Commissioner, he finds and concludes as follows:

1. That the Commissioner has jurisdiction over the parties and the subject matter involved herein pursuant to Ark. Code Ann. § 23-61-103.
2. Respondent holds Arkansas Resident Producer License Number 43795 and is licensed to sell property, casualty, surety, and marine insurance in this State.
3. Respondent is a resident of Rogers, Arkansas and, based upon the Department’s records, is employed with the Steve Standridge Insurance Agency, Inc. or an affiliate thereof.
4. Respondent is a defendant in a civil lawsuit filed by ANB Financial Services, LLC a/k/a Insurance Marketplace and GL Holdings, LLC in Benton County Circuit Court, Case No. CIV2008-1580-1 (“the lawsuit”).
5. In May of 2008, Insurance Marketplace prepared confidential bid packages and provided them to potential purchasers, including GL Holdings, LLC and Steve Standridge, who was also named as a defendant in the lawsuit but has since been dismissed following a settlement agreement. The complaint alleges that the Respondent was an employee of Insurance Marketplace at that time and assisted in preparing the confidential bid packages.

6. Plaintiffs in the lawsuit allege that the an agreement was made with Steve Standridge that, if Mr. Standridge was not the successful bidder, the Respondent and her colleague, Sidney Phillippy, would go to work for Mr. Standridge and “pirate” as many accounts as they could from Insurance Marketplace. There is an e-mail from Mr. Phillippy, which has been provided to the Department, that supports that allegation.

7. GL Holdings, LLC was the successful bidder and purchased Insurance Marketplace on June 20, 2008. Respondent and Mr. Phillippy did leave Insurance Marketplace and go to work for Steve Standridge, and they did begin taking customers of Insurance Marketplace.

8. The lawsuit sought a temporary restraining order (“TRO”) and alleged, *inter alia*, that the Respondent interfered with contractual relations and business expectancy.

9. The TRO was granted on July 2, 2008 and restrained the Respondent from communicating with any customer of Insurance Marketplace.

10. Respondent moved to dissolve the TRO and a hearing was held on December 3, 2008 on that motion. The judge issued an Order Denying Motion to Dissolve Temporary Restraining Order (“February 5, 2009 Order”), making the following findings:

a. “A customer list is the heart and soul of businesses like [Insurance Marketplace] and other types of businesses.”¹

b. Insurance Marketplace had taken sufficient steps to guard the secrecy of its customer list.

c. Plaintiffs showed a “substantial likelihood that [Insurance Marketplace] will prevail on the merits of its case at trial to prove [Insurance Marketplace’s] customers’ names and information are trade secrets.”²

¹ February 5, 2009 Order, ¶ 1.

² February 5, 2009 Order, ¶ 7.

11. Based upon the Department's investigation to date, despite the TRO and the denial of her motion to dissolve it, the Respondent continued to take customers from Insurance Marketplace. It appears that the Respondent and Mr. Phillippy would simply have another agent sign the Agent of Record form to take the client from Insurance Marketplace. The Department has been informed that these Agent of Record forms continue to be received daily, sometimes more than one per day, at the offices of Insurance Marketplace.

12. Respondent's apparent actions in violating the TRO and wrongfully taking clients from Insurance Marketplace, to the great financial detriment of GL Holdings, LLC, constitute the use of fraudulent, dishonest practices and demonstrate untrustworthiness and a lack of good personal and business reputation.

13. The use of fraudulent, dishonest practices and demonstrating untrustworthiness or a lack of good personal and business reputation are grounds for probation, suspension or revocation of an insurance producer's license pursuant to Ark. Code Ann. § 23-64-512(a)(8).

14. Respondent apparently converted, or assisted in the conversion of, property of Insurance Marketplace, namely customer lists and information, which is grounds for probation, suspension or revocation of an insurance producer's license pursuant to Ark. Code Ann. § 23-64-512(a)(4).

15. Pending the outcome of this Department's investigation, the Department reserves the right to suspend, revoke, or place on probation the Respondent's Arkansas Resident Producer License, Number 43795, for the grounds set forth above.

16. During the continuing investigation being conducted by the Department, the Respondent must abide by the terms of the TRO and abstain from contacting any customers of Insurance Marketplace, whether directly or indirectly through another agent not subject to the TRO.

Any effort to place the business of an Insurance Marketplace customer with the Respondent or his current employer will be viewed as a violation of this Order and may result in an emergency, summary suspension of the Respondent's license pursuant to Ark. Code Ann. § 23-64-216(e).

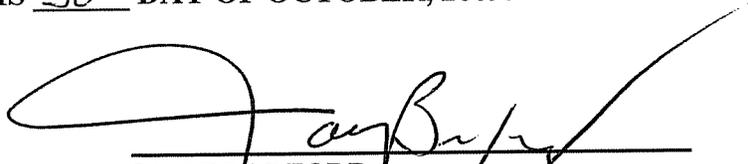
17. Respondent is entitled to an administrative hearing on this matter and must request such a hearing within thirty (30) days of the date of this Order.

IT IS THEREFORE ORDERED AND ADJUDGED AS FOLLOWS:

1. Respondent is hereby ordered to strictly abide by the terms of the temporary restraining order issued in Benton County Circuit Court Case No. CIV2008-1580-1 on July 2, 2008 and to refrain from communication with any customer of Insurance Marketplace, whether directly or indirectly.

2. Respondent is directed to request an administrative hearing on this matter within thirty (30) days of the date of this Order or the right to a hearing will be waived.

IT IS SO ORDERED THIS 30th DAY OF OCTOBER, 2009.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS