

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

IN THE MATTER OF

SCOTT CALLIES, LICENSE NO. 348630

A.I.D. NO. 2010-

084

LICENSE REVOCATION ORDER

On this day the matter of Timothy Walley (“Respondent”), came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (“Department”) was represented by Ashley Fisher, Associate Counsel.

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 and the authority to issue emergency license suspensions under Ark. Code Ann. § 23-64-216(e), § 23-64-512(a).
2. Respondent is currently licensed in Arkansas as a resident producer agent. Respondent is licensed as a property, casualty, life, and surety agent. Respondent holds Arkansas license number 348630 and has been licensed with the Department since March 21, 2009. Respondent’s address of record at the Department is 2643 Highway 5 North, Mountain Home, Arkansas 72654.
3. The Department received information concerning alleged criminal activity of Respondent. In particular, the Respondent is has been charged with 6 counts of Theft, 5-36-103, a class C felony and two counts of Theft, 5-36-103, a Class C felony. “A person commits the crime of theft of property if: Knowingly obtains the property of another person, by deception or by threat, with the purpose of depriving the owner thereof. A person commits the crime of Theft

if: the value of the property is two thousand five hundred dollars or more.” According to the filing made under oath by the Prosecuting Attorney for the 14th Judicial Circuit of the State of Arkansas, the allegations are as follows:

The Defendant did unlawfully and feloniously on or about May 2009 through October 2009, the Baxter County Sheriff’s Department had taken eight reports of entering into a contract with the same business to have a building built and that the defendant represented himself as the owner of the business. The victim’s [sic] would write him a check for so much percent and the defendant deposited them into his account and no work has been done on their pole barns. As of February 3, 2010, no work has been started at any of the victim’s job sites and there has been no communication from any representative from the business explaining to any of the victims why no work has been done on their pole barns. The Investigator has contacted the supplier of materials to construct a pole barn and has found that no materials for any of the victim’s [sic] pole barns has been ordered. The businesses [sic] bank account was subpoena [sic]. Upon receipt of the records this Investigator examined them and found that each of the deposits paid the business by the victims was deposited to this account. This investigator also saw that the defendant wrote checks payable to himself on several dates and cashed the checks. All of these checks were written during the time period that all the victim’s contracts were written. To: Wit: Theft, against the peace and dignity of the State of Arkansas.

4. Respondent has yet to go to trial.

5. A hearing was scheduled for September 1, 2010. The Respondent did not appear for the hearing.

6. Dan Honey, Director of the Department’s Life and Health Division, served as the duly appointed Hearing Officer. A record was made concerning the reasons for the emergency suspension of the Respondent’s license and the Department’s intent to revoke the license.

CONCLUSIONS OF LAW

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

7. The Respondent is in violation of Ark. Code Ann. §23-64-216(a) (1) which provides that a license may be suspended or revoked for violation of any of the causes listed in Ark. Code Ann. § 23-64-512.

8. The Respondent is in violation of Ark. Code Ann. § 23-64-512(a)(2) which provides that a license may be suspended or revoked for violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's insurance commissioner.

9. The Respondent is in violation of Ark. Code Ann. § 23-64-512(a)(7) which provides that a license may be suspended or revoked for having admitted or been found to have committed any insurance unfair trade practice or fraud.

10. The Respondent is in violation of Ark. Code Ann. § 23-64-512(a) (8), which provides that a license may be suspended or revoked for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere. By taking money from consumers and failing to provide the services and buildings purchased by the consumers, Respondent has shown incompetence, untrustworthiness and financial irresponsibility.

IT IS THEREFORE ORDERED AND ADJUDGED, as follows:

1. Pursuant to Ark. Code Ann. §§ 23-64-216, any and all licenses issued by the Department, whether acquired by Respondent, for being a broker, agent, agency, solicitor, or consultant in this State, are hereby revoked.

2. The Department shall notify Respondent's appointing insurance companies of this action pursuant to Ark. Code Ann. § 23-64-217(a)(3).

IT IS SO ORDERED THIS 15th **DAY OF** October, 2010.


JAY BRADFORD
INSURANCE COMMISSIONER