

Department with a written explanation of the events surrounding the shoplifting incident in Wal-Mart and copies of the court docket.

4. Appellant explained that on July 9, 2011, she was completing several money order transactions in Wal-Mart, and during the transactions, she received a telephone call from her husband's family. Her husband had recently been in a serious motor vehicle accident, and her mind was not in the present moment while she had the phone conversation. Appellant walked out of Wal-Mart with a few items in her basket, for which she had not paid. Appellant was arrested and charged with shoplifting.

5. On November 15, 2011, the Department notified Appellant that her application for a producer license and permit to sit for the Arkansas Producer's Examination was denied due to her recent conviction for shoplifting. Appellant was also advised that she had a right to request an administrative hearing to appeal the denial.

6. Appellant requested a hearing to appeal the license denial, and the appeal hearing was scheduled for December 21, 2011.

7. At the hearing, Appellant presented the following evidence: (1) Appellant's husband was seriously injured in a motor vehicle accident while he was visiting his family in Mexico, and Appellant was responsible for sending money to his family; (2) on July 9, 2011, while Appellant was in Wal-Mart completing two (2) money order transactions to her husband's family, she received a difficult phone call from her mother-in-law, and she was crying and trying to assist her mother-in-law; (3) during the phone conversation, Appellant walked out of Wal-Mart with a few items in her basket for which she had not paid; (4) Appellant was arrested for shoplifting, and on August 10, 2011, Appellant entered a guilty plea to shoplifting, a misdemeanor, and was ordered to pay \$540.00 in court costs, which she paid in full that day, and

complete twenty (20) hours of community service; (5) to complete the community service, Appellant volunteered at the Cabot Animal Shelter; however, after one (1) days of service, she was so saddened by the conditions at the shelter, she adopted a cat and notified her probation officer that she could not return to the shelter; (6) the probation officer explained the situation to the judge, and the judge waived the remainder of Appellant's community service requirement; (7) Appellant is employed with Jennifer King, an insurance agent in Cabot, Arkansas, and she enjoys her job and the business of insurance; and (8) the 2011 shoplifting incident is the only time Appellant has been arrested or convicted of a crime.

CONCLUSIONS OF LAW

8. Pursuant to Arkansas Code Annotated § 23-64-506, in order to obtain an insurance producer's license, an applicant must demonstrate that he is competent, trustworthy, financially responsible, and of good personal and business reputation.

9. In the application process, the applicant must provide correct, complete and true information to the Department, and an application may be denied when the applicant attempts to obtain a license through fraud or misrepresentation, demonstrates incompetence, untrustworthiness, lack of good personal or business reputation, or financial irresponsibility, or has been convicted of a felony or violated a law that calls into question the applicant's fitness to hold a license. *See* Ark. Code Ann. § 23-64-512(a).

10. Appellant disclosed the shoplifting conviction to the Department in her application for an Arkansas Producer's License, and she testified that on the day of the shoplifting incident, she was in an emotional and absent-minded state and did not intend to walk out of Wal-Mart without paying for the items in her basket. Appellant further testified that she completed all of the terms of her conviction, and has been working for Jennifer King's insurance

agency since September 2011. Appellant testified that she enjoys and understands insurance and would like to make a career in the business of insurance.

11. Based upon the evidence before the Hearing Officer and the safeguards, terms and conditions set forth below, Appellant fulfilled her burden of showing that the Department should reverse its decision and grant her application.

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:

12. That the Department's denial of the Appellant's Application for an Arkansas Resident Insurance Producer License be reversed, and Appellant be promptly issued a permit to sit for the Arkansas Producer's Examination.

13. That Appellant be placed on probation for a period of two (2) years.

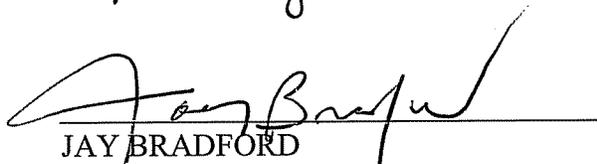

LENITA BLASINGAME
CHIEF DEPUTY COMMISSIONER
and HEARING OFFICER

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 and under my authority and supervision by Lenita Blasingame, Chief Deputy Commissioner and Hearing Officer in this proceeding. I hereby adopt the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendations in full and enter this Order.

THEREFORE, it is hereby ORDERED that the Appellant's Application for an Individual Resident Insurance Producer License and permit to sit for the Arkansas Producer's Examination is granted. Appellant will be placed on probation for two (2) full years of licensure.

IT IS SO ORDERED THIS 18th DAY OF January, 2012.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS