

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

ARKANSAS INSURANCE DEPARTMENT,)
Petitioner)
)
vs.)
)
SCOTT C. STIVERS,)
Respondent)

A.I.D. NO. 2012- 360

EMERGENCY SUSPENSION ORDER

On this day, the emergency matter of Scott C. Stivers (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (“Department”) was represented by Amanda J. Andrews, Associate Counsel, in this matter. From the facts and law before the Commissioner, he finds as follows:

FINDINGS OF FACT

1. Respondent holds an Arkansas Resident Producer License, number 273585, and he resides in Bryant, Arkansas.
2. On April 28, 2010, Respondent notified the Bryant Police Department that his agency’s office located in Bryant, Arkansas, was robbed. An envelope containing \$80.20 was stolen from Respondent’s desk. After further investigation, Respondent discovered that his assistant, Amber Autry, stole the money from his desk, and she had been stealing premium money, which she was required to deposit into the agency’s bank account, from his agency for several months.
3. Respondent reported the theft to the Bryant Police Department, and when law enforcement questioned Autry about the theft, she confessed that she stole money from

Respondent's agency and that Respondent paid her and her cousin money to perform sexual acts with him in the agency's office.

4. On June 14, 2010, Respondent was charged with two (2) counts of sexual solicitation in Saline County District Court, and on October 8, 2010, Respondent was convicted of one (1) count of sexual solicitation.

5. Respondent did not report to the Department the criminal conviction or the theft of money from his agency.

6. On December 30, 2010, Respondent submitted an application to renew his producer license, and when asked whether he was convicted of a crime since the date of his last renewal, Respondent answered "no."

CONCLUSIONS OF LAW

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

7. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Arkansas Code Annotated § 23-61-103.

8. The Commissioner has the authority to issue an emergency license suspension pursuant to Arkansas Code Annotated §§ 23-64-216(e) and 25-15-211(c).

9. Arkansas Code Annotated §§ 23-64-201(e) and 23-64-517(b) require a licensee to report any criminal charge or plea in any court within thirty (30) days, and failure to so report may result in immediate suspension of the license.

10. Arkansas Code Annotated § 23-64-223(a) provides that all funds, fees, moneys, premiums, or return premiums received by a licensee in the capacity as a licensee shall be trust funds so received by the licensee in a fiduciary capacity, and the licensee shall in the applicable regular course of business account for and pay these funds, fees, moneys, premiums, or return

premiums to the insured, insurer, licensee, or any other person entitled thereto.

11. Arkansas Code Annotated § 23-66-505 requires any person engaged in the business of insurance who has knowledge or a reasonable belief that a fraudulent insurance act is being, will be, or has been committed must provide to the Insurance Commissioner the information required by, and in a manner prescribed by, the Commissioner. Once the report is made, the person has a continuing obligation to provide to the Department all information the Commissioner deems relevant pertaining to any investigation of a fraudulent act or related criminal violation, and the refusal to fully comply with the Commissioner's request for information is grounds for the suspension, revocation, denial, or nonrenewal of any license.

12. Arkansas Code Annotated § 23-60-109 provides that any person who files any statement, application, form, or other document required to be filed by the Arkansas Insurance Code knowing the statement or information contained in the document to be false or misleading in any material respect shall be guilty of a Class D felony.

13. The Commissioner may suspend or revoke a producer's license for any one (1) or more of the following causes: Providing incorrect, misleading, incomplete, or materially untrue information in the license application; violating a law or regulation of the Commissioner; Obtaining or attempting to obtain a license through misrepresentation or fraud; Using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, lack of good personal or business reputation, or financial irresponsibility. Ark. Code Ann. § 23-64-512(a)(1), (2)(A), (2)(B), (3), (8).

14. During an Investigative Conference with the Respondent held at the Department on April 10, 2012, Respondent admitted to having been convicted of a crime, failing to report the conviction to the Department, failing to report that his employee stole money from his agency,

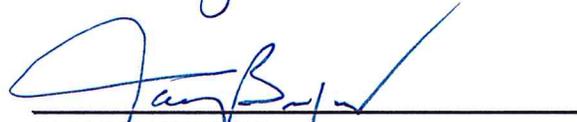
and failing to disclose the criminal conviction on the license renewal application.

15. For the public health, safety, and welfare of the people of this State, the Commissioner concludes that the Respondent's Arkansas Resident Producer License, number 273585, is immediately and summarily suspended pending an administrative hearing pursuant to Arkansas Code Annotated § 23-64-216(e). A Notice of Hearing will be sent to the Respondent simultaneously with this Order.

IT IS HEREBY ORDERED that:

Respondent's Arkansas Resident Producer License, number 273585, is hereby **SUSPENDED**. Respondent shall not, during the term of this suspension, conduct the business of insurance in the State of Arkansas.

IT IS SO ORDERED THIS 10th day of May, 2012.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS