

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF JOSHUA J. SMITH
NPN 7486514
RESPONDENT

A.I.D. NO. 2021- 61

CEASE AND DESIST ORDER

Now on this day the matter of Joshua J. Smith (“Respondent”) is taken under consideration by Alan McClain, Insurance Commissioner for the State of Arkansas (“Commissioner”), with the Arkansas Insurance Department (“Department”) appearing through Gray Allen Turner, Associate Counsel. From the facts, matters and other items before him, the Commissioner finds and concludes as follows:

FINDINGS OF FACT

1. The Commissioner has jurisdiction over the parties and of the subject matter pursuant to Ark. Code Ann. §§ 23-61-103 and 23-64-512(e).
2. Respondent is a resident of Desha County, Arkansas.
3. Respondent previously held an Arkansas resident insurance producer license, National Producer Number 7486514.
4. Respondent failed to renew his insurance producer license and his license has been expired since March 31, 2019.
5. Subsequent to expiration of his insurance producer license, Respondent has continued to act as an insurance producer without an active license.

6. Specifically, Respondent has held himself out as an active licensed insurance producer; he has submitted insurance policy applications to companies; and, he has provided a falsified Arkansas resident insurance producer license to obtain or retain a company appointment.

CONCLUSIONS OF LAW

From the findings of fact herein, the Commissioner concludes as follows:

1. A person shall not sell, solicit, or negotiate insurance in this state for any class or classes of insurance unless the person is licensed in accordance with our laws. Ark. Code Ann. §§ 23-64-503 and 23-65-101(a)(2)(A).

2. The Commissioner, as authorized by Ark. Code Ann. § 23-61-103(f)(1)(A), may summarily order a person or entity to cease and desist from an act or practice if there is reason to believe that a person or entity has engaged in or is about to engage in any act or practice constituting a violation of an insurance law, rule, or order of this state.

3. Respondent's actions of selling, negotiating, or soliciting insurance without an active Arkansas resident insurance producer license are a violation of Ark. Code Ann. § 23-64-503.

IT IS THEREFORE ORDERED AS FOLLOWS:

1. Pursuant to Ark. Code Ann. § 23-61-103(f)(1)(A), Respondent is hereby ordered to immediately cease and desist from the conduct of the sale, solicitation, or consulting of insurance in this state.

2. Respondent is given notice that upon written request to the Commissioner received within thirty days of the entry of this order, a hearing shall

be held under Ark. Code Ann. § 23-61-303 to determine if the cease and desist order should continue. If no hearing is requested, the order shall remain in effect until it is modified or vacated by the Commissioner and shall be considered a final agency action.

IT IS SO ORDERED THIS 17th DAY OF DECEMBER, 2021.

A handwritten signature in blue ink, appearing to read "Alan McClain", written over a horizontal line.

ALAN MCCLAIN
INSURANCE COMMISSIONER
STATE OF ARKANSAS