

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

**ARKANSAS INSURANCE DEPARTMENT,** )  
**Petitioner** )  
 )  
**vs.** )  
 )  
**TORRY DULANEY,** )  
**Respondent** )

**A.I.D. NO. 2012- 306**

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**LICENSE DENIAL ORDER**

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On this day, the matter of Torry Dulaney (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held at 9:00 a.m. on March 21, 2012, in the Hearing Room of the Arkansas Insurance Department (“Department”) pursuant to a Notice of Hearing dated February 28, 2012. The hearing was held before Chief Deputy Commissioner Lenita Blasingame (“Hearing Officer”), pursuant to her appointment by the Commissioner in accordance with Arkansas Code Annotated § 23-61-103. The Department was represented by Amanda J. Andrews, Associate Counsel.

**FINDINGS OF FACT**

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Arkansas Code Annotated § 23-61-103.
2. Respondent is a resident of Pine Bluff, Arkansas, and he submitted an application for an Arkansas Individual Resident Producer License to the Department on January 20, 2012.
3. Respondent admitted in the application that he had been convicted of a crime, and in a letter submitted along with the application, Respondent stated that he was convicted of criminal trespass in 2001, failure to appear in 2005, domestic battery in 2006 and shoplifting in 2011.

4. After further investigation of Respondent's criminal history, the Department discovered that in addition to the offenses listed above, Respondent has been convicted of multiple crimes, including four (4) separate counts of failure to appear, one (1) count of unlawful dogfighting, one (1) count of animal confinement, and multiple traffic violations for not having proof of insurance, not having a driver's license and driving on a suspended driver's license. Each of these offenses is listed in a Master Name Index Report issued by the Pine Bluff District Court.

5. On February 8, 2012, the Department notified Respondent that it declined his application for a producer license and permit to sit for the Arkansas Producer's Examination based on the conviction for shoplifting in 2011.

6. Respondent requested a hearing to appeal the license denial, and the appeal hearing was scheduled for March 21, 2012.

7. Respondent appeared at the hearing on March 21, 2012, and under oath, he admitted that all of the convictions listed in the Pine Bluff District Court report are true. However, he did not disclose the convictions listed in the Pine Bluff District Court report to the Department on the license application or at anytime after submitting the license application.

#### **CONCLUSIONS OF LAW**

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

8. Pursuant to Arkansas Code Annotated § 23-64-202(a)(2)(C)(i), in order to obtain a producer's license in Arkansas, an individual must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation. *See also* Ark. Code Ann. § 23-64-506.

9. The Commissioner may refuse to issue an insurance 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; and demonstrating a lack of good personal and business reputation. Ark. Code Ann. § 23-64-512(a)(1), (a)(2)(A), , (a)(8).

10. Respondent has been convicted of multiple crimes, including four (4) separate counts of failure to appear, one (1) count of unlawful dogfighting, one (1) count of animal confinement, one (1) count of domestic battery, and one (1) count of shoplifting, and he failed to disclose several of the convictions to the Department on the license 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:

11. Based upon Respondent's criminal background, including the number and nature of his convictions and his failure to disclose several convictions to the Department in the license application, I recommend that the decision of the Director of the Licensing Division to deny Respondent's Application for an Individual Resident Insurance Producer License and a permit to sit for the Arkansas Producer's Examination should be affirmed.

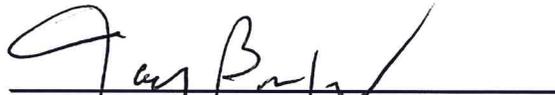
  
LENITA BLASINGAME  
CHIEF DEPUTY COMMISSIONER  
and HEARING OFFICER

**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 Respondent's Application for an Individual Resident Insurance Producer License and permit to sit for the Arkansas Producer's Examination is denied.

IT IS SO ORDERED THIS 20<sup>th</sup> DAY OF April, 2012.

  
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JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS