

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

ARKANSAS INSURANCE DEPARTMENT,)
Petitioner)
)
vs.)
)
FORREST R. LEAR,)
Respondent)

A.I.D. NO. 2012- 447

REVOCATION ORDER

On this day, the matter of Forrest R. Lear (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held at 9:00 a.m. on May 24, 2012 in the Hearing Room of the Arkansas Insurance Department (“Department”) pursuant to a Notice of Hearing dated May 9, 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. Respondent holds an Arkansas Resident Producer License, number 24093, and his mailing address is 388 Highway 285N, Greenbrier, Arkansas.
2. On September 26, 2011 The Reliable Life Insurance Company (“Reliable”) notified the Department that Respondent was terminated for cause on the grounds that Respondent failed to remit premiums to Reliable.
3. On January 23, 2012, Reliable provided audit evidence to the Department proving a deficiency of premiums in the amount of \$5,045.75 on accounts serviced by the Respondent.

4. On March 1, 2012 the Department mailed a letter to the Respondent, both regular and certified mail, to Respondent's mailing address requesting an explanation of the allegations made by Reliable. The certified return receipt was signed by Haleigh Lear on March 3, 2012. The Respondent did not provide a response as required in the letter.

5. On April 5, 2012 the Department mailed a notice of Investigative Conference to be held on May 1, 2012, to the Respondent, by certified and regular mail. The certified mail was returned "unclaimed," but the notice sent by regular mail was not returned. Respondent did not appear for the Investigative Conference.

6. Based on the foregoing, an Emergency Suspension Order was entered against Respondent, and an administrative hearing was scheduled for May 24, 2012.

7. Respondent did not appear for the hearing and did not contact the Department prior to the hearing.

CONCLUSIONS OF LAW

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

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

9. The Commissioner may suspend or revoke a producer's license for any one (1) or more of the following causes: violating a law or regulation of the Insurance Commissioner; improperly withholding, misappropriating, or converting any moneys or properties received in the course of doing insurance business; using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, lack of good personal or business reputation, or financial irresponsibility; failing to provide a written response after receipt of a written inquiry from the commissioner or his or her representative as to transactions under the license within


thirty (30) days after receipt thereof unless the timely written response is knowingly waived in writing by the commissioner; refusing to be examined or to produce any accounts, records, or files for examination; and failing to cooperate with the commissioner in an investigation when required by the commissioner. Ark. Code Ann. §§ 23-64-512(a)(2), (4), (8), (13), (16), (17).

10. The Department received information that Respondent withheld or misappropriated premium money he collected from Reliable's customers. Respondent failed to provide the Department with a response to these allegations and failed to appear for an Investigative Conference and the administrative hearing.

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 violation of Arkansas law, specifically, Arkansas Code Annotated §§ 23-64-512(a)(2), (4), (8), (13), (16) and (17), and his failure to appear at the administrative hearing scheduled for May 24, 2012, I recommend immediate revocation of Respondent's Arkansas Resident Producer License, number 24093.


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 Arkansas Resident Producer License, number 24093, is revoked.

IT IS SO ORDERED THIS 31st DAY OF May, 2012.



JAY BRADFORD
INSURANCE COMMISSIONER
STATE OF ARKANSAS