

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

**ARKANSAS INSURANCE DEPARTMENT,** )  
**Petitioner** )  
 )  
**vs.** )  
 )  
**JAMES M. CULBERTSON,** )  
**Respondent** )

**A.I.D. NO. 2012- 760**

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**REVOCATION ORDER**

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On this day, the matter of James M. Culbertson (“Respondent”), came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held at 8:30 a.m. on October 11, 2012 in the Hearing Room of the Arkansas Insurance Department (“Department”) pursuant to a Notice of Hearing dated September 21, 2012. The hearing was held before acting 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 is a resident of Minnesota and holds Arkansas Non-Resident Producer License No. 398002.
2. The Department received notice that on August 8, 2011, Kentucky revoked Respondent’s Non-resident Producer License for failure to cooperate with the Department’s investigation of him. Specifically, Respondent was terminated by Riversource Life Insurance Company for “unfair trade practices and fraud,” and Respondent did not respond to the Department’s correspondence to him.

3. On July 25, 2012, Minnesota revoked Respondent's insurance producer and securities agent/representative licenses on the grounds that Respondent violated Minnesota law. Specifically, Respondent was terminated by Ameriprise Financial for violation of a sales practices policy relating to disclosure and trade executions in violation of Minn. Stat. § 80A.67(d)(13).

4. To date, Respondent has failed to disclose the administrative actions against him in Kentucky and Minnesota, and he failed to respond to correspondence from the Department.

5. An administrative hearing was held on October 11, 2012 at 8:30 a.m. after proper notice was served upon Respondent at his last known address, and Respondent did not appear at the hearing.

#### **CONCLUSIONS OF LAW**

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

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

7. A licensed producer is required to report to the Insurance Commissioner any administrative action taken against him in another jurisdiction or by another governmental agency in this state within thirty (30) days after the final disposition of the matter. Ark. Code Ann. § 23-64-517(a).

8. The Commissioner may revoke a producer's license for any one (1) or more of the following causes: violating a law of this or any state; using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, lack of good personal or business reputation, or financial irresponsibility; or having an insurance producer license or its equivalent

denied, suspended, or revoked in any other state, province, district, or territory. Ark. Code Ann. § 23-65-512(a).

9. Respondent's producer license in Kentucky was revoked for failing to cooperate with an investigation, and his producer license in Minnesota was revoked for violating a law. Respondent failed to disclose these actions to the Department, and each action is grounds for revocation of his producer's license.

**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:

10. Based upon Respondent's violation of Arkansas law, specifically, Arkansas Code Annotated §§ 23-64-512(a) and 23-64-517, and his failure to appear at an administrative hearing, I recommend immediate revocation of Respondent's Arkansas Non-Resident Producer License.

  
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 Non-Resident Producer License is revoked.

IT IS SO ORDERED THIS 10<sup>th</sup> DAY OF November, 2012.



JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS