

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

**ARKANSAS INSURANCE DEPARTMENT,** )  
**Petitioner** )  
 )  
**vs.** )  
 )  
**DUBISSON FUNERAL HOME, INC.,** )  
**Respondent** )  
 )

A.I.D. NO. 2012- 787

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**ORDER**

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On this day, the matter of Dubisson Funeral Home, Inc. (“Respondent”), came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held at 2:00 p.m. on November 20, 2012 in the Hearing Room of the Arkansas Insurance Department (“Department”) pursuant to a Notice of Hearing dated October 31, 2012. The hearing was held before Deputy Commissioner and General Counsel William R. Lacy (“Hearing Officer”), pursuant to his 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 funeral home located in Little Rock, Arkansas and is licensed to sell prepaid funeral benefit contracts in this state under a permit issued to it by the Department. Darryl Miller is Respondent’s manager and authorized representative.

2. Pursuant to a notice dated July 10, 2012, the Department conducted a routine examination of Respondent’s prepaid funeral contracts and trust account on July 24, 2012. Prior to the examination, Respondent was provided with and asked to sign a Letter of Representation

and trust account verification form. Prior to and at the time of the examination, Respondent had not provided the documents to the Department.

3. From July 2012 to September 2012, the Department sent five (5) letters to Respondent requesting the two (2) aforementioned documents, and Respondent failed to provide the documents. Respondent also failed to appear for an Informal Conference at the Department on September 5, 2012.

4. The Department held an administrative hearing on November 20, 2012, and Respondent appeared through its representative, Darryl Miller.

5. David Phillips, an Auditor for the Department's Prepaid Funeral Benefits Section, testified that prior to and after he conducted the examination of Respondent's prepaid funeral contracts and trust account, he requested a signed a Letter of Representation and trust account verification form, but Respondent failed to provide the documents. Mr. Phillips further testified that the documents are necessary to verify the amount of funds in the trust account, and the examination of Respondent's prepaid funeral contracts and trust account cannot be completed without the documents. The examination ensures that the trust account contains funds equal to Respondent's obligations on the prepaid funeral contracts.

6. Mr. Miller testified that he had not provided the requested documents to the Department because he had not received the Department's request for the information. However, Mr. Miller had at the hearing a folder of correspondence from the Department, including the requests for information that he claimed to have not received.

7. Mr. Miller promised to and did, in fact, provide to the Department a signed Letter of Representation and trust account verification form within five (5) days following 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 and 23-40-108.
9. The Commissioner may suspend or revoke any prepaid funeral benefits permit for the following: the licensee failed to comply with any material law governing the sale of prepaid funeral benefits contracts or a rule of the Commissioner; the licensee has failed 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; or the licensee has refused to be examined or produce any of his or her accounts, records, and files for examination or has failed to cooperate with the Commissioner in an investigation when requested by the Commissioner or his or her representative. Ark. Code Ann. § 23-40-111(b)(2).
10. Respondent failed to provide to the Department a signed Letter of Representation and trust account verification form after numerous requests, and failed to appear at the Department for an Investigative Conference on September 5, 2012, all in violation of Arkansas Code Annotated § 23-40-111(b)(2).

## RECOMMENDATIONS OF THE HEARING OFFICER

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and other matters before him, the Hearing Officer recommends:

11. Based upon Respondent's violation of Arkansas law, specifically, Arkansas Code Annotated §§ 23-40-111(b)(2), I recommend that a fine in the amount of \$1,000.00 be levied against Respondent.



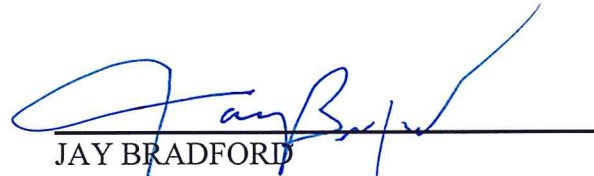
WILLIAM R. LACY  
DEPUTY COMMISSIONER,  
GENERAL COUNSEL and  
HEARING OFFICER

**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 William R. Lacy, Deputy Commissioner, General Counsel 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 a fine in the amount of \$1,000.00 is levied against Respondent, to be paid within thirty (30) days of the date of this Order. Failure to comply with the Order will result in immediate suspension of Respondent's Prepaid Funeral Benefits Permit.

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

  
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JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS