

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

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

A.I.D. NO. 2013- 054

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**ORDER**

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On this day, the emergency matter of Dubisson Funeral Home, Inc. (“Respondent”) came before Jay Bradford, Arkansas Insurance Commissioner (“Commissioner”). The Arkansas Insurance Department (“Department”) was represented by Amanda J. Andrews, Associate Counsel, in this matter. From the facts and law before the Commissioner, he finds as follows:

**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. A hearing was held on November 20, 2012 to address certain violations committed by Respondent, including Respondent’s failure to provide to the Department a signed Letter of Representation and trust account verification form and failure to appear for an Informal Conference at the Department on September 5, 2012, all in violation of Arkansas Code Annotated § 23-40-111(b)(2).
3. Following the hearing, Respondent provided to the Department a signed Letter of Representation and trust account verification, as previously requested.

4. By Order dated December 20, 2012, the Commissioner levied a monetary penalty against Respondent in the amount of \$1,000.00 to be paid within thirty (30) days of the date of the Order.

5. Respondent did not pay the penalty as ordered, and on March 11, 2013, the Department sent correspondence to Respondent reminding it to pay the administrative penalty. Respondent still failed to pay the penalty, and its prepaid funeral benefits permit was suspended on April 4, 2013.

6. An administrative hearing was scheduled for April 16, 2013, and at the request of Respondent, the hearing was rescheduled for April 22, 2013 at 1:30 p.m. No representative for Respondent appeared at the hearing, and Respondent did not notify counsel for the Department or the Hearing Officer that it would not send a representative to the hearing. Therefore, the Department proceeded with hearing.

7. On April 18, 2013, Respondent mailed to the Department a check in the amount of \$1,000.00 for the administrative penalty, which was received on April 23, 2013.

### **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 place on probation, 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 comply with the Commissioner's Order of the December 20, 2012 ordering it to pay an administrative penalty in the amount of \$1,000.00, and it did not appear for the administrative hearing. Because Respondent did not notify the Department that it would pay the administrative penalty and not appear at the hearing, which was scheduled at a time to accommodate Respondent, the Department proceeded with the hearing and incurred costs. Respondent's actions are 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. Respondent paid the administrative penalty ordered in the December 20, 2012 Order on April 23, 2013, approximately ninety (90) days late, Respondent did not appear for the administrative hearing scheduled for April 22, 2013, and Respondent did not notify the Department that it would pay the administrative penalty in lieu of appearing at the hearing. Based upon Respondent's violation of Code Annotated § 23-40-111(b)(2) and pursuant to Arkansas Code Annotated § 23-64-216, I recommend that Respondent be placed on probation for a period of twelve (12) months.

  
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 Respondent, Dubisson Funeral Home, Inc., is placed on probation for a period of twelve (12) months. If during the probation period, Respondent violates any law, its Prepaid Funeral Benefits Permit will be immediately suspended, pending an administrative hearing to address the violation.

**IT IS SO ORDERED THIS 3<sup>rd</sup> DAY OF MAY, 2013.**

  
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JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS