

2. On May 17, 2015, Appellant submitted an application for an Arkansas Resident Title Insurance Agent License.

3. On June 2, 2015, the Department denied Appellant's license application, and Appellant requested an administrative hearing to appeal the denial. Appellant was properly served with notice of the hearing, and she appeared at the hearing.

4. The evidence at the hearing established the following facts:

a) Appellant's actions that lead to revocation of her license were severe, and Appellant presented no evidence to prove that she would not repeat her past violations of law;

b) Appellant has a history of not cooperating with the Department in investigations and administrative actions and in one instance, refused to accept correspondence from the Department;

c) The Department issued a Cease and Desist Order to Appellant on September 30, 2014 after finding at a hearing that Appellant held herself out to be a licensed title insurance agent to obtain employment, in violation of Arkansas Code Annotated §§ 23-103-403 and 23-66-302, as well as A.I.D. Order No. 2012-398, which revoked her title insurance agent license. Appellant was ordered to stop engaging or attempting to engage in the business of insurance and falsely representing that she is a licensed title insurance agent. Appellant did not appear for the hearing or respond to the Department's correspondence in its investigation of the complaint that gave rise to the Cease and Desist Order;

d) Appellant testified that if she obtained a license, she would likely open a title agency and be the agent in charge. However, since revocation of her license, Appellant has not taken any corrective action to remedy or prevent her past

violations of law, nor has she continued her education in the area of title insurance.

CONCLUSIONS OF LAW

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

5. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Arkansas Code Annotated §§ 23-61-103 and 23-103-401, *et. seq.*

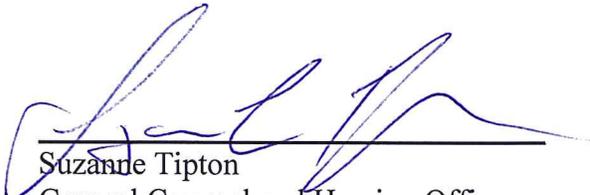
6. In order to obtain a license, an applicant must establish to the Commissioner that she is trustworthy, is financially responsible, and has a good personal and business reputation. Ark. Code Ann. § 23-64-506(c).

7. The Commissioner may refuse to issue a license for any one (1) or more of the following causes: violating a law or Commissioner's Order, which would call into question the insurance producer's fitness to hold a license; demonstrating incompetence, untrustworthiness, lack of good personal or business reputation, or financial irresponsibility; failing to cooperate with the commissioner in an investigation when required by the Commissioner. Ark. Code Ann. § 23-64-512(a).

8. After revocation of her title agent's license, Appellant continued to violate Arkansas law. Appellant represented herself as a licensed title agent to obtain employment, and the Department was forced to order Appellant to stop the illegal conduct. On multiple occasions, Appellant refused to cooperate with the Department in its investigations and administrative actions, and even refused to accept correspondence from the Department. Finally, Appellant's actions after revocation of her license and her failure to take any corrective action prove that she is not competent or trustworthy, as required to hold a license.

RECOMMENDATION OF HEARING OFFICER

WHEREFORE, the Department presented sufficient evidence at the hearing on August 11, 2015 that the Appellant has not met the qualifications to hold a license, and the denial of Appellant's application for an Arkansas Title Agent's License and permit to sit for the Arkansas Title Agent's Examination be upheld.



Suzanne Tipton
General Counsel and Hearing Officer

CERTIFICATION

I, Allen Kerr, Insurance Commissioner for the State of Arkansas, do hereby certify that the above and foregoing matter was conducted by Suzanne Tipton, General Counsel and Hearing Officer, by and under my authority and supervision. I hereby adopt the Hearing Officer's Recommendation in full, as set forth herein.

IT IS HEREBY ORDERED that:

The denial of Appellant's application for an Arkansas Title Agent's License and permit to sit for the Arkansas Title Agent's Examination is hereby upheld. The Appellant's application for a license is denied.

IT IS SO ORDERED THIS 11th **day of September, 2015.**


ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS