

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF:

AID ORDER NO. 2015- 099

MANZUR MAZUMDER
RESPONDENT NPN 16259493

REVOCATION ORDER

On this day, the matter of the producer's license of Manzur Mazumder ("Respondent") came before Allen Kerr, Arkansas Insurance Commissioner ("Commissioner"). A hearing was held on November 12, 2015, in the First Floor Hearing Room of the Arkansas Insurance Department ("Department") pursuant to the Notice of Hearing dated October 5, 2015. The hearing was held before General Counsel and Deputy Commissioner Suzanne Tipton ("Hearing Officer") pursuant to her appointment by the Commissioner in accordance with Ark. Code Ann. § 23-61-103(e)(1). The Department was represented by Gray Allen Turner, Associate Counsel.

FINDINGS OF FACT

1. The Commissioner of Insurance has jurisdiction pursuant to the Arkansas Insurance Code, specifically Ark. Code Ann. §§ 23-60-101, *et seq.*
2. Respondent, Manzur Mazumder, received notice of the hearing and participated in the hearing by telephone.
3. Respondent resides in Tennessee.

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4. In 2015, the Missouri Secretary of State's Office sent the Arkansas Department of Insurance information concerning an investigation concerning the Respondent.

5. The following evidence was admitted into the record and considered by the hearing officer: (1) Designation of the hearing officer, (2) Notice of hearing, and (3) Missouri Secretary of State Cease and Desist Order 13-18.

6. The findings of fact as recited in The State of Missouri, Office of Secretary of State, Final Order To Cease and Desist And Order Awarding Restitution And Costs And Imposing Civil Penalties AP 13-18 are adopted and incorporated into this order. The Missouri Secretary of State found that Respondent was a licensed Missouri insurance producer. Respondent was not licensed to sell securities in Missouri. Respondent was given access and authorization to make trades for an acquaintance identified as MR. Respondent told MR he would make trades on her behalf and could be paid a consultant fee for his work on her behalf. Respondent had MR sign a confidentiality agreement regarding Respondent's trading activities. Respondent also took cash from MR's accounts and deposited the cash into his own accounts, allegedly for investment purposes. When MR requested Respondent repay the money she had given him, Respondent threatened to sue her as a breach of the confidentiality agreement. The Missouri Secretary of State

further found the Respondent had used money from MR's accounts to pay for Respondent's personal bills and had comingled MR's money with his own. The Missouri Secretary of State ordered Respondent to make restitution in the amount of \$155,000.00 to compensate MR for losses caused by Respondent's actions.

7. Respondent testified at the hearing and his testimony is summarized as follows:

a. Respondent testified that he was an Arkansas Non-Resident Producer but he did not intend on renewing his Arkansas license. Respondent testified that he had been interviewed by the Missouri securities office. He denied that he ever acted as a securities broker or had broken any securities laws in Missouri. Respondent was unaware that he had been fined by the Missouri Secretary of State's Office or that he had been ordered to cease selling securities in the State of Missouri.

CONCLUSIONS OF LAW

8. Ark. Code Ann. § 23-64-512(8) requires a producer to avoid "using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, lack of good personal or business reputation, or financial irresponsibility.

9. Respondent was required to register as a securities agent to sell stocks on behalf of others in Missouri. Respondent's actions were fraudulent, coercive, and demonstrated lack of good business reputation as well as financial irresponsibility. Respondent's actions are therefore a violation of Ark. Code Ann. § 23-64-212(a)(8).

RECOMMENDATION OF HEARING OFFICER

WHEREFORE, upon consideration of the evidence of record and the foregoing Findings of Fact and Conclusions of Law, the Hearing officer recommends the following:

That the Arkansas Insurance Non-Resident Producer License NPN No. 16259493 of Respondent, Manzur Mazumder, be revoked.



Suzanne Tipton
Deputy Commissioner and
Hearing Officer

CERTIFICATION

I, Allen Kerr, Insurance Commissioner for the State of Arkansas, do hereby certify that the above Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Officer were made by and under my authority and supervision by Suzanne Tipton, General Counsel and Hearing Officer in this proceeding. I hereby adopt the Hearing Officer's Findings of Fact, Conclusions of Law and Recommendation in full, as set forth herein.

THEREFORE, it is hereby ORDERED that:

1. That the Arkansas Insurance Non-Resident Producer License NPN No. 16259493 of Respondent, Manzur Mazumder, is revoked.

2. Mr. Mazumder shall not conduct the business of insurance in the State of Arkansas unless and until he obtains an Arkansas license at a future date consistent with the provisions of Ark. Code Ann. § 23-64-217(b).

IT IS SO ORDERED THIS 30th DAY OF DECEMBER, 2015.



ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS