

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

ARKANSAS INSURANCE DEPARTMENT)
PETITIONER)
)
VS.)
)
JOSEPH LATA)
RESPONDENT)
NPN8841792)

A.I.D. NO. 2016-076

ORDER OF REPRIMAND

On this day, the matter of the producer's license of Joseph Lata ("Respondent") came before Allen Kerr, Arkansas Insurance Commissioner ("Commissioner"). A hearing was held on July 21, 2016, in the First Floor Hearing Room of the Arkansas Insurance Department ("Department") pursuant to the Notice of Hearing dated June 21, 2016. The hearing was held before Chief Deputy Commissioner Russ Galbraith ("Hearing Officer") pursuant to his 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. Respondent appeared at the hearing via telephone.

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 was sent a notice of hearing and notice of emergency license suspension by both regular and certified mail to the last known address provided to the Arkansas Insurance Department on July 21, 2016. Therefore, the Respondent received adequate notice of the hearing as required by Ark. Code Ann. § 23-61-109(b)(c).

3. Respondent holds an Arkansas Non-Resident Producer License, National Producer Number 8841792.

4. In a telephone sales call with an employee of the Arkansas Insurance Department, Respondent, while acting as a licensed producer, failed to adequately explain that the short term medical policy being sold was not compliant with the Affordable Care Act and would not prevent an Internal Revenue Service tax penalty from being levied.

CONCLUSIONS OF LAW

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

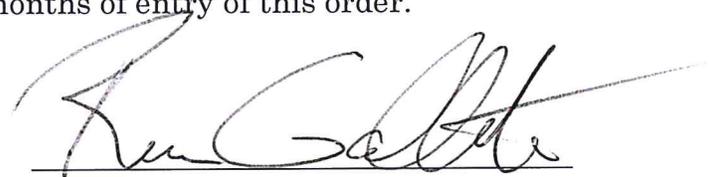
RECOMMENDATION OF HEARING OFFICER

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

6. That the Arkansas Resident Producer's License, National Producer

Number 8841792, of Respondent Joseph Lata, is hereby reprimanded.

7. That Respondent shall participate and complete a course of study as required to sell Affordable Care Act compliant insurance products on the Federally Facilitated Marketplace. Respondent shall provide proof of completion to the Arkansas Insurance Department within six months of entry of this order.



RUSS GALBRAITH
CHIEF 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 Recommendations of the Hearing Officer were made by and under my authority and supervision by Russ Galbraith, 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, as set forth herein.

THEREFORE, it is hereby ORDERED that the Arkansas Resident Producer's License, National Producer Number 8841792, of Respondent Joseph Lata be reprimanded and that he shall provide proof of completion of a course of study as required to sell Affordable Care Act compliant insurance products on the Federally Facilitate Marketplace.

IT IS SO ORDERED THIS 23rd DAY OF AUGUST, 2016.

A handwritten signature in black ink, appearing to read 'Allen Kerr', is written over a horizontal line.

ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS