BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

TAMMIE FULLER APPELLANT	))	
VS.	))	
ARKANSAS INSURANCE DEPARTMENT, RESPONDENT	))	A.I.D. NO. 2016- 103

ORDER

On this day, the matter of Tammie Fuller ("Appellant") came before Allen Kerr, Arkansas Insurance Commissioner ("Commissioner"). A hearing was held on November 2, 2016, at the Arkansas Insurance Department pursuant to the request of Appellant to appeal the Department's decision to deny her application for an Arkansas Producer's License. The hearing was held before Chief Deputy Commissioner Russ Galbraith, pursuant to his appointment by the commissioner in accordance with Ark. Code Ann. § 23-61-103. The Arkansas Insurance Department ("Department") is represented by Gray Allen Turner, Associate Counsel, in this matter. From the facts and law before him, the Commissioner finds as follows:

FINDINGS OF FACT

1. The Appellant failed to present sufficient evidence to prove she meets the requirements to be an Arkansas Insurance Producer.

2. The Appellant was previously a licensed producer in Arkansas. In AID Order 2009-33A, the Commissioner concluded that the Appellant could not be deemed "competent, trustworthy, and financially responsible, and of good personal

and business reputation." (Exhibit 2). After a hearing, the Appellant's producer license was revoked on June 9, 2009. The findings of fact and conclusions of law in AID Order 2009-33A are adopted and incorporated into this order.

3. In a letter of explanation included in her producer application Appellant described the cause of her prior revocation as a disagreement with her business partner. (Exhibit 2). Appellant's explanation was insufficient and incorrect. The primary reason for her revocation was the conclusion that Appellant "improperly withheld, misappropriated, or converted moneys or properties received in the course of doing insurance business."

4. On the Appellant's producer application, in question #38A, Appellant indicated she had never been licensed as a producer in Arkansas. (Exhibit 2) Appellant had been previously licensed and her license was revoked in AID Order 2009-33A.

5. On the Appellant's producer application, in question #39(2). (Exhibit 2). Appellant indicated she had never been involved in an administrative procedure. Appellant had been involved in an administrative procedure and a revocation hearing in AID Order 2009-33A.

CONCLUSIONS OF LAW

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

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. § 23-61-103.

2. Pursuant to Ark. Code Ann. § 23-64-512(a)(1), the Commissioner may refuse to issue a producer license for providing inaccurate, misleading, or materially untrue information in an application for a license. The Appellant provided inaccurate and misleading information in her producer application.

3. Pursuant to Ark. Code Ann. § 23-64-506, in order to obtain a license an applicant must demonstrate that she is competent, trustworthy, financially responsible, and of good personal and business reputation. Based upon the evidence before the Hearing Officer, the Appellant has not presented credible or substantial evidence that she has met the requirements of Ark. Code Ann. § 23-64-506.

RECOMMENDATION OF THE HEARING OFFICER

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

1. That the Department's denial of the Appellant's application for an Arkansas Insurance Producer's License be upheld and the Appellant's application is denied.

RUSS GALBRAITH
CHIEF DEPUTY INSURANCE
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 Insurance Commissioner and Hearing Officer in this proceeding. I hereby adopt the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendation in full and enter this Order.

THEREFORE, it is hereby ORDERED that:

1. The Appellant's application for a producer's license is denied.

IT IS SO ORDERED THIS 30th day of November, 2016.

ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS