

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

**IN THE MATTER OF
KENNETH ROBINSON,
License No. 1743998**

and

**ROBINSON MORTUARY,
Respondents**

A.I.D. ORDER NO. 2018- 026

CONSENT ORDER OF REVOCATION OF LICENSE

Now on this day before Allen Kerr, the Insurance Commissioner for the State of Arkansas (“Commissioner”) came Kenneth Robinson and Robinson Mortuary (“Respondents”), who have reached an agreement concerning the resident funeral expense license (“funeral expense license”) issued to Respondent Robinson by the Arkansas Insurance Department (“Department”). The Commissioner is represented by Amanda Gibson, Associate Counsel. Respondents are represented by Kendra Pruitt of Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C., and voluntarily waived their right to a hearing and consent to the entry of this Consent Order of Revocation of License. From the facts and law before the Commissioner, he finds as follows:

GENERAL STIPULATIONS

1. It is expressly understood that this Consent Order is subject to the Commissioner’s acceptance and has no force or effect until such acceptance is evidenced by the entry of the Commissioner.
2. This Consent Order is executed for the purpose of avoiding further administrative time, expense, and action with respect to this cause.

3. Respondents fully understand that this Consent Order will in no way preclude additional proceedings by the Commissioner against the Respondents for acts or omissions not addressed or reviewed during the course of the investigation which led to this Order, or for facts and/or omissions that do not arise from the facts or transactions herein addressed.

4. The Department expressly provides that by entry of this Consent Order, it shall not commence additional proceedings against Respondents for acts or omissions within the Department's knowledge at this time, as evidenced by documents obtained pursuant to this investigation. Respondents are hereby released and discharged of and from any and all claims, actions, penalties, of whatever kind or nature for or because of any act or omission learned of by or through the investigation which led to this Order, particularly, as relates to prepaid funeral benefits contracts. Specifically, the Department will not enforce proceedings against Respondents for purported prepaid funeral benefits contracts involving those consumers alleged in the Notice of Public Hearing but not referenced in this Order herein.

5. Having the right to consult with legal counsel, Respondents expressly waive all further procedural steps, and expressly waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of this Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Order by the Commissioner. This Order is executed in the public interest, in the best interests of the parties hereto, and it represents a compromise and settlement of the controversy between the parties. This Order is for settlement purposes only.

6. By their signatures affixed below, Respondents affirmatively state that they have freely agreed to the entry of this Consent Order, that they have been advised that they may consult legal counsel and have had the opportunity to consult with legal counsel, that they waive their right to

a hearing on the matters underlying this Consent Order, and that no threats or promises of any kind have been made by the Commissioner, the Department, or any agent or representative thereof.

7. The parties, by executing this Consent Order, affirmatively state their agreement to be bound by the terms of this Order and aver that no promises or offers relating to the circumstances described herein have been made, other than the terms of settlement set forth in this Order, are binding upon them.

8. Respondent Robinson acknowledges that he is no longer able to meet the requirements necessary to qualify for a funeral expense license. Accordingly, he voluntarily agrees to revocation of his license pursuant to Ark. Code Ann. § 23-64-217.

9. Respondent Robinson acknowledges that the purpose of this Consent Order is to revoke his funeral expense license.

10. The Department agrees to forego pursuing monetary penalties pursuant to Ark. Code Ann. § 23-40-106 as a consequence of Respondent Robinson Mortuary's selling of prepaid funeral benefits contracts without the requisite permit to do so.

FINDINGS OF FACT

1. Respondent Kenneth Robinson is the President and Manager of Robinson Mortuary, Inc., which is located at 1201 Martin Luther King, Jr. Drive, Little Rock, Arkansas.

2. Respondent Robinson is currently licensed by the Department as a resident funeral expense insurance producer, License Number 1743998.

3. Respondent Robinson Mortuary does not hold a permit to sell prepaid funeral benefit contracts.

4. Respondents sold prepaid funeral benefit contracts to Vilessia Armstead in exchange for \$9,316.92.
5. Respondents allegedly collected \$400.00 on behalf of Isiah Jones for a prepaid funeral benefit contract.
6. Respondents have refunded all funds to the aforementioned consumers and canceled the contracts.

CONCLUSIONS OF LAW

1. Ark. Code Ann. § 23-60-101, *et. seq.*, assigns the responsibility for administration of the Arkansas Insurance Code to the Arkansas Insurance Commissioner. The Department is the lawful agency through which the Commissioner administers the Arkansas Insurance Code, and is authorized to bring this action for the protection of Arkansas consumers.
2. The Commissioner has jurisdiction over the parties and subject matter pursuant to Ark. Code Ann. §§ 23-40-107(a), 23-40-108, and 23-61-103.
3. The Arkansas Producer Licensing Model Act, codified at Ark. Code Ann. § 23-64-501 *et. seq.*, governs Respondent Robinson's funeral expense license.
4. More specifically, Ark. Code Ann. § 23-64-506(e)(1) requires that in order to obtain or renew a producer's license, the producer "must be deemed by the commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation." Further, Ark. Code Ann. § 23-64-506(e)(2) provides that "qualifications for licensure under this section must continue in order to remain licensed."
5. Ark. Code Ann. § 23-64-512(a) allows the Commissioner to "place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license or may levy a civil penalty in accordance with § 23-64-216 or any combination of actions for any one (1) or more of

the following causes...(2) violating any of the following that calls into question the insurance producer's fitness to hold a license: (A) a law;"

6. In light of the foregoing Findings of Fact and the evidence that Respondents sold a prepaid funeral benefits contract without the requisite permit, Respondent Robinson does not meet the statutory prerequisites and qualifications to hold a funeral expense license.

7. The Commissioner hereby concludes that the facts set forth in the Findings of Fact, above, provide grounds for the issuance of this Order.

ORDER

NOW THEREFORE, on the basis of the foregoing and the waiver of the Respondents of their rights to a hearing and appeal under the Arkansas Administrative Procedure Act, Ark. Code Ann. §§ 25-15-201 *et. seq.*, and the admission by Respondents of the jurisdiction of the Commissioner, the Commissioner finds that the Respondents have consented to entry of this Order and that the following Order is appropriate and in the public interest.

IT IS HEREBY ORDERED that:

1. Respondent Robinson's funeral expense license is hereby revoked.
2. Respondents are prohibited from selling any funeral expense policies and prepaid funeral benefits contracts in the state of Arkansas.
3. The Department reserves the right to amend and/or supplement the facts contained in this Order to include violations of state law, with notice to Respondents.

IT IS SO ORDERED, DIRECTED AND AGREED TO AS OF THE 1st DAY OF MARCH, 2018.



ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS



KENNETH ROBINSON
Individually, and on behalf of
Robinson Mortuary

Date: 7-28-18