

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF:

KISHANA MIGHTY
PETITIONER

A.I.D. NO. 2018- 101

ORDER

On this day, the matter of the insurance producer license application of Kishana Mighty (“Petitioner”) came before Allen Kerr, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held on September 20, 2018, in the First Floor Hearing Room of the Arkansas Insurance Department (“Department”) pursuant to the Notice of Hearing dated September 10, 2018. 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. The Petitioner participated 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. Petitioner, a resident of Alabama, applied for a Non-Resident Adjuster License on August 11, 2018.

3. The Department denied Petitioner's application on August 14, 2018.

4. Petitioner timely requested a hearing as to the license denial on September 5, 2018.

5. Petitioner was sent a notice of hearing on September 10, 2018, to the address provided by the Department.

6. Petitioner, in her adjuster application, disclosed that in 2012, she pled guilty to three charges for receiving stolen property, a 3rd degree misdemeanor, in the Municipal Court of Foley, Alabama.

7. Petitioner's testimony concerning the events that led to her convictions was contradictory and lacked substantial credibility. Petitioner testified she pled guilty to receiving stolen merchandise. Petitioner also stated she was not aware her friend had placed stolen merchandise in her vehicle. Petitioner stated she knew her friend had stolen in the past, but not the day they were arrested. Petitioner testified she had grown from the situation completely and she is not going down that path anymore.

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. To be licensed as an adjuster, Ark Code Ann. § 23-64-209 states an applicant must be deemed by the commissioner "to be competent, trustworthy, financially responsible, and of good personal and business reputation."

3. The Petitioner's convictions for receiving stolen merchandise and her conflicting testimony as to her guilt call into question her fitness to be a licensed adjuster.

4. The Petition has not presented sufficient evidence that she meets the requirements to be a licensed adjuster.

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:

1. That the Arkansas insurance adjuster license application of the Petitioner be denied.



Russ Galbraith
Chief Deputy Commissioner

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 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 Recommendation in full, as set forth herein.

THEREFORE, it is hereby ORDERED that the Arkansas insurance adjuster application of Kishana Mighty is denied.

IT IS SO ORDERED THIS 2nd DAY OF Nov, 2018.

A handwritten signature in cursive script, appearing to read "Allen Kerr", written over a horizontal line.

ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS