

BEFORE THE INSURANCE COMMISSIONER OF THE
STATE OF ARKANSAS

IN THE MATTER OF:

ASSURANT PROTECTION GROUP,
AKA APG, CORP., AND

HOUSTON BECKHAM
RESPONDENTS

AID NO. 2018- 123

CEASE AND DESIST ORDER

Now, on this day, the matter of Assurant Protection Group, AKA APG, Corp, and Houston Beckham ("Respondents"), is taken under consideration by Allen Kerr, Insurance Commissioner for the State of Arkansas ("Commissioner"), with the Arkansas Insurance Department (the "Department") appearing through Gray Allen Turner, Associate Counsel, and from the facts, matters and other items before him, the Commissioner finds as follows:

1. APG, Corp is a For Profit Corporation registered with the Arkansas Secretary of State. APG, Corp's corporation status with the Secretary of State is inactive. APG, Corp.'s advertisements also use the name "Assurant Protection Group."
2. Houston Beckham is identified as APG, Corp.'s incorporator / organizer and its registered agent. His registered agent address is listed as 1007 North Drive, Alma, Arkansas 72921.

3. Ark. Code Ann. § 4-90-501 *et seq.* gives regulatory jurisdiction of "Motor Vehicle Service Contracts" to the Arkansas Insurance Department.
4. Motor vehicle service contract providers and warrantors are subject to the Trade Practices Act, § 23-66-201 *et seq.*, to the extent such acts may be appropriately applied to motor vehicle service contract providers and warrantors given the nature of such contracts.
5. No person shall engage in this state in any trade practice which is defined in this unfair method of competition or an unfair or deceptive act or practice in the business of insurance. Ark. Code Ann. § 23-66-205.
6. The Department has received several complaints that Respondents have issued Motor Vehicle Service Contracts to residents of Georgia. The complainants allege that the Respondents' representatives made false and deceptive statements that the Motor Vehicle Service Contracts were automobile liability insurance policies. Respondents' actions are a violation of Ark. Code Ann. § 23-66-206(5) that defines unfair or deceptive trade practice acts and includes making misleading or deceptive statements with respect to the business of insurance.
7. Under Ark. Code Ann. § 23-61-103(f)(1)(A), the Commissioner may summarily order a person or entity to cease and desist from an act or practice if there is reason to believe that a person or entity has not complied with Ark. Code Ann. § 23-66-201 *et seq.*, or any other provision of the Arkansas Insurance Code.

The Commissioner finds that a public emergency exists for the issuance of an emergency order. The Commissioner hereby Orders the following:

1. Pursuant to Ark. Code Ann § 23-61-103(f)(1)(A), Respondents are hereby ordered to immediately cease and desist from making misleading or deceptive statements with respect to the sale of Motor Vehicle Service Contracts, a violation of Ark. Code Ann. § 23-66-206(5).
2. Pursuant to Ark. Code Ann. § 23-61-103, the Respondents are given notice that upon written request within thirty days of the entry of this order, a hearing shall be held under Ark. Code Ann. § 23-61-301 *et seq.* to determine if the cease and desist order should continue. If no hearing is requested, the order shall remain in effect until it is modified or vacated by the commissioner, and shall be considered a final agency action.

IT IS SO ORDERED THIS 10th DAY OF Dec., 2018


ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS