

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF:

SHANNON PHILLIPS
PETITIONER

A.I.D. NO. 2019-31

ORDER

On this day, the matter of the insurance producer license application of Shannon Phillips (“Petitioner”) came before Allen Kerr, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held on April 17, 2019, in the First Floor Hearing Room of the Arkansas Insurance Department (“Department”) pursuant to the Notice of Hearing dated April 3, 2019. 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 was not present.

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 Alma, Arkansas, applied for a Resident Insurance Producer License on March 15, 2019.

3. The Department denied Petitioner's application on March 29, 2019.

4. Petitioner timely requested a hearing as to the license denial.

5. Petitioner was sent a notice of hearing on April 3, 2019, to the address provided by the Department.

6. Petitioner, in his producer application, disclosed that he had been convicted of several felonies while living in Texas. These felonies included theft of property and armed robbery.

7. After receiving Petitioner's application, the Department requested that he complete his application by providing copies of charging documents and the sentencing orders from his criminal convictions.

8. As part of his application, the Department requested the Petitioner complete a U.S.C. § 1033 Waiver application to be allowed to work in the business of insurance.

9. Petitioner failed to send in the additional documents requested and required to complete his producer application.

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. An application for an insurance producer license may be denied where the applicant has been convicted of a felony as per Ark. Code Ann. § 23-64-512(a)(8).

3. An application for an insurance producer license may be denied where the application is incomplete as per Ark. Code Ann. § 23-64-512(a)(1). The petitioner's application was incomplete and therefore it was correctly denied as per § 23-64-512(a)(1).

4. The Petitioner has not presented sufficient evidence that he meets the requirements to be a licensed insurance producer as required by Ark. Code Ann. § 23-64-506.

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 Producer License application of the Petitioner be denied.

A handwritten signature in black ink, appearing to read "Russ Galbraith", written over a horizontal line.

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 producer application of Shannon Phillips is denied.

IT IS SO ORDERED THIS 28th DAY OF May, 2019.


ALLEN KERR,
INSURANCE COMMISSIONER
STATE OF ARKANSAS