

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

ARKANSAS INSURANCE DEPARTMENT)
PETITIONER)
)
VS.)
)
BILLY PERKINS)
RESPONDENT)
NPN 5781623)

A.I.D. NO. 2020- 18

REVOCATION ORDER

On this day, the matter of the producer's license of Billy Perkins ("Respondent") came before Allen Kerr, Arkansas Insurance Commissioner ("Commissioner"). A hearing was held on November 26, 2019, in the First Floor Hearing Room of the Arkansas Insurance Department ("Department") pursuant to the Amended Notice of Hearing dated October 11, 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 Respondent appeared by telephone and was represented by Ernie Witt, Attorney at Law.

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. Respondent is a resident of Franklin County.
3. Respondent holds an Arkansas resident producer license, NPN 5781623.
4. Respondent was sent an amended notice of hearing on October 11, 2019.

5. The Respondent's resident insurance producer license was suspended on September 4, 2019.

6. Respondent was issued a criminal information on May 24, 2019, in Franklin County District Court, Case NO. 24OCR-19-94 for felony aggravated assault with a weapon.

7. Respondent failed to disclose to the Department the filing of the criminal information within thirty days.

8. Respondent, while represented by counsel, entered a negotiated plea of guilty to § 5-13-206, 2nd degree assault, a "B" misdemeanor on September 5, 2019. Respondent was fined \$500.00 and ordered to have no contact with Mr. Justin Ellison, an insurance customer who had requested a refund from the Respondent.

9. Ark. Code Ann. § 5-13-206 provides that a person commits assault in the second degree if he or she recklessly engages in conduct that creates a substantial risk of physical injury to another person.

CONCLUSIONS OF LAW

1. Ark. Code Ann. § 23-64-512(a)(2) authorizes the Department to revoke an insurance producer's license for violating a law that calls into question the insurance producer's fitness to hold a license. Respondent's actions leading to his conviction for misdemeanor assault were a violation of Ark. Code Ann. § 23-64-512(a)(2).

2. Ark. Code Ann. § 23-64-201 requires producers to notify the commissioner in writing within thirty days of the filing of any criminal charge or conviction. Respondent's failure to notify the Department of a filing of a criminal charge was a violation of § 23-64-201(e).

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 resident insurance producer license of the Respondent be revoked.

2. That following the expiration of three (3) years from the date of this order, the Respondent may apply to reinstate his license in accordance with the provisions of Ark. Code Ann. § 23-64-217(b).



Russ Galbraith
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 Recommendation of the Hearing Officer were made by and under my authority and supervision by Russ Galbraith, 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 resident producer license of Billy Perkins, is revoked.

IT IS SO ORDERED THIS 29th DAY OF JANUARY, 2020.

A handwritten signature in black ink, appearing to read 'Allen Kerr', is written over a horizontal line.

ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS