

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

IN THE MATTER OF: )

RICHARD CARR )  
PETITIONER )

A.I.D. NO. 2020- 34 )

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**ORDER**

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On this day, the matter of the producer’s license of Richard Carr (“Respondent”) came before Alan McClain, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held on January 15, 2020, in the First Floor Hearing Room of the Arkansas Insurance Department (“Department”) pursuant to the Notice of Hearing dated January 10, 2020. 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 present.

**FINDINGS OF FACT**

1. The Petitioner is a resident of Fayetteville.
2. The Petitioner applied for a final expense insurance producer license on November 15, 2019.
3. The Petitioner’s producer application was denied by the Department on December 4, 2019.
4. The Petitioner timely requested a hearing on December 6, 2019.

5. The Petitioner's producer application was denied as authorized by § 23-64-512(a)(6) because the Petitioner has been convicted of a felony.

6. The Petitioner was convicted of felony hot checks, Ark. Code Ann. § 5-37-302 in Jefferson County Circuit Court case 2005-709, in 2006. He was sentenced to three years of probation and ordered to pay restitution. The Petitioner paid all restitution as ordered and successfully completed probation June 7, 2007.

7. The Petitioner's hearing evidence included several favorable recommendations as to Mr. Carr's character and integrity.

#### CONCLUSIONS OF LAW

1. The Commissioner of Insurance has jurisdiction pursuant to the Arkansas Insurance Code, specifically Ark. Code Ann. §§ 23-60-101, *et seq.*

2. As authorized by Ark. Code Ann. § 23-64-512(a)(6), the Department has the discretion to deny a licensee' insurance producer application if they have been convicted of any felony.

3. The Petitioner was convicted of one charge of felony hot checks in 2006. Since that date he has completed all probation requirements and made full restitution.

4. The Petitioner has not engaged in further criminal conduct since 2007.

5. As is articulated in Ark. Code Ann. § 17-1-103(a), it is the policy of the State of Arkansas to encourage and contribute to the rehabilitation of criminal

offenders and to assist them in the assumption of the responsibilities of citizenship. The public is best protected when offenders are given the opportunity to secure employment or to engage in a meaningful trade, occupation, or profession.

6. The Petitioner has presented sufficient evidence of rehabilitation including completion of probation in 2007.

7. The Petitioner presented credible evidence as to his honesty and integrity from his potential employer who is aware of his background. Based on this testimony, the Hearing Officer is persuaded that the Petitioner does not pose an unreasonable risk of harm to the insurance customers of Arkansas.

**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 Petitioner's final expense producer license application be granted.



Russ Galbraith  
Hearing Officer

CERTIFICATION

I, Alan McClain, 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 with 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 Petitioner Richard Carr's final expense producer application is hereby granted.

IT IS SO ORDERED THIS 13<sup>th</sup> DAY OF May, 2020.

  
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ALAN MCCLAIN  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS