

BEFORE THE INSURANCE COMMISSIONER  
FOR THE STATE OF ARKANSAS

IN THE MATTER OF:  
DARSTARTA MARTIN

PETITIONER

A.I.D. NO. 2022- 48

ORDER

On this day, the matter of the resident insurance producer license application of Ms. Darstarta Martin (“Petitioner”) came before Alan McClain, Arkansas Insurance Commissioner (“Commissioner”). A hearing was held on March 22, 2022, in the hearing room of the Arkansas Insurance Department (“Department”) pursuant to the Amended Notice of Hearing dated February 2, 2022. The hearing was held before Hearing Officer 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. Petitioner was not present.

FINDINGS OF FACT

1. An Amended Notice of Hearing was sent on February 2, 2022, to the last address Respondent provided to the Department and notice has been sent as required by statute
2. Petitioner, Darstarta Martin, a resident of Magnolia, Arkansas, applied for an insurance producer license on October 4, 2021.
3. In her insurance producer application, background question #1b asks “have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?” Petitioner answered background question #1b on her application “No”.
4. Petitioner was charged with aggravated robbery, a felony, on March 17, 2021, in Columbia County Circuit Court. This charge was pending at the time

she submitted her insurance producer application and there has not been a final hearing.

5. Petitioner's insurance license application was denied by the Department on December 1, 2021.

6. Petitioner timely requested a hearing as to the insurance producer license denial.

7. Petitioner was not present at the hearing.

### 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. Providing incorrect, misleading, incomplete, or materially untrue information in an insurance producer license application is a violation of Ark. Code Ann. § 23-64-512(a)(1). Petitioner provided incorrect or materially untrue information on her application. Petitioner failed to correctly disclose she had a pending felony charge. Petitioner's actions were a violation of § 23-64-512(a)(1).

3. Petitioner was not present at the hearing and presented insufficient evidence to be deemed by the Commissioner to meet the qualifications to be granted a license as required by § 23-64-506(a)(2).

### RECOMMENDATION OF THE 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:

That the Arkansas resident insurance producer license application of the  
Petitioner be denied.



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 supervision by Russ Galbraith, the 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:

1. The Arkansas resident insurance producer license application of Petitioner, Darstarta Martin, is denied.

IT IS SO ORDERED THIS 27<sup>th</sup> DAY OF May, 2022.



ALAN MCCLAIN  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS