

BEFORE THE INSURANCE COMMISSIONER
FOR THE STATE OF ARKANSAS

IN THE MATTER OF:

AID ORDER NO. 2018- 54

MATHEW HUMPHREY
RESPONDENT
NPN 16340542

REVOCATION ORDER

On this day, the matter of the producer's license of Mathew Humphrey ("Respondent") came before Allen Kerr, Arkansas Insurance Commissioner ("Commissioner"). A hearing was held on March 20, 2018, in the First Floor Hearing Room of the Arkansas Insurance Department ("Department") pursuant to the Amended Notice of Hearing dated March 9, 2018. 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 was present and participated in the hearing.

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 resides in Pulaski County, Arkansas.

3. The following evidence was admitted into the record and considered by the hearing officer: (1) Designation of the hearing officer, (2) Amended Notice of hearing dated March 9, 2018, (3) Letter requesting information, (4) Mr. Humphrey's reply to Department, (5) Mr. Humphrey's reply to carrier, (6) IP Address Info from Allstate, (7) Allstate Forms Signed Electronically, (8) Subpoena Duces Tecum to Google and response, (9) E-mail correspondence, (10) Copy of Letter dated 3/24/2017, and (11) Copy of Cellphone records.

4. Based on the testimony and the evidence presented, the Hearing Officer makes the following findings of fact:

5. In June of 2017, Respondent's appointment was terminated for cause by Allstate for allegedly forging an insurance customer's e-signature on an insurance policy application.

6. In 2016, Allstate customer Rupesh Patel contacted Respondent to inquire about purchasing a life insurance policy for himself and his wife. After Allstate issued Mr. Patel a life insurance policy, he noticed that his monthly premium significantly increased from the amount he had been quoted by Respondent. Additionally, Mr. Patel's wife was not included on the policy as he had requested. Mr. Patel contacted Respondent about the discrepancies and Respondent assured Mr. Patel the matter would be looked into.

7. Mr. Patel's email address he used for his initial application as well as all correspondence with Allstate and the Department was "rupesh1973@gmail.com."

8. On November 18, 2017, Respondent created a false email account,

"rupeshkumarpatel123@gmail.com" using the Google email service Gmail. Fifteen minutes after this new account and email address were created, Respondent used the email address to electronically sign Mr. Patel's policy application amendment form and an agreement for a non-recurring electronic funds transfer. This change was made by Respondent without the knowledge or permission of Mr. Patel.

9. Mr. Patel's testimony that he did not approve the policy amendment and that he did not electronically sign the amendment using the email address "rupeshkumarpatel123@gmail.com" was credible.

10. Respondent's testimony that he did not create a false email address used to sign for a policy amendment on November 18, 2018, was not credible.

CONCLUSIONS OF LAW

1. Ark. Code Ann. § 23-64-512(8) requires producer to avoid "using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, lack of good personal or business reputation, or financial irresponsibility." Respondent, while acting as an insurance producer, created a false email account for Mr. Rupesh Patel. Respondent used the false email account to electronically sign a policy amendment and electronic funds transfer without the Mr. Patel's knowledge or permission. Respondent's actions as described above are therefore a violation of Ark. Code Ann. § 23-64-512(a)(8).

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 Respondent's Arkansas Insurance Producer license be revoked.



Russ Galbraith
Chief Deputy Commissioner and
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, 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 producer's license of Mathew Humphrey, NPN 16340542, is revoked.

IT IS SO ORDERED THIS 2nd DAY OF May, 2018.



ALLEN KERR
INSURANCE COMMISSIONER
STATE OF ARKANSAS