

**BEFORE THE ARKANSAS INSURANCE DEPARTMENT**

**ARKANSAS INSURANCE DEPARTMENT**

**PETITIONER**

v.

**Case No. 158631**

**KYLE JAMES SKYBERG  
NPN 20448184**

**RESPONDENT**

**A.I.D. ORDER NO. 2024- 91**

**CONSENT ORDER**

On this day, the matter of Kyle James Skyberg (“Respondent”) came before Alan McClain, Arkansas Insurance Commissioner (“Commissioner”). Respondent has reached an agreement regarding the nonresident insurance producer license issued to him by the Arkansas Insurance Department (“Department”). The Commissioner is represented by Amanda Capps Rose, Associate Counsel, in this matter. From the facts and law before him, the Commissioner finds as follows:

**GENERAL STIPULATIONS**

1. It is expressly understood that this Consent Order is subject to the Commissioner’s acceptance and has no force or effect until such acceptance is evidenced by the signature of the Commissioner.
  2. This Consent Order is executed for the purpose of avoiding further administrative time, expense, and action with respect to this matter.
  3. Respondent fully understands that this Consent Order will in no way preclude additional proceedings by the Commissioner against him for acts or omissions not specifically addressed in this Consent Order or for facts or omissions that do not arise from the facts or transactions addressed herein.
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4. Having the right to consult with legal counsel, the Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of, or to otherwise challenge or contest the validity of this Consent Order, the stipulations and imposition of discipline contained herein, and the consideration and entry of said Consent Order by the Commissioner. This Consent Order is executed in the public interest, in the best interests of the parties hereto, and represents a compromise and settlement of the controversy between the parties. This Consent Order is for settlement purposes only.

5. By his signature affixed below, the Respondent affirmatively states that he has freely agreed to the entry of this Consent Order, that he has been advised that he may consult with legal counsel and has had the opportunity to consult with legal counsel, that he waives his right to a hearing on the matters presented in this Consent Order, and that no threats or promises of any kind have been made by the Commissioner, the Department, or any agent or representative thereof.

6. The parties, by executing this Consent Order, affirmatively state their agreement to be bound by the terms of this Consent Order and aver that no promises or offers relating to the circumstances described herein have been made, other than the terms of settlement set forth herein, which are binding upon them.

7. Respondent acknowledges that the purpose of this Consent Order is to place his nonresident insurance producer license on probation for one (1) year and to require payment of an administrative penalty as set forth herein.

**FINDINGS OF FACT**

1. Respondent holds an Arkansas nonresident insurance producer license, National Producer Number 20448184.

2. Prior to November 4, 2023, the Respondent was a resident of Van Buren, Arkansas and held an Arkansas resident producer license. On November 4, 2023, the Respondent moved to Scottsdale, Arizona.

3. On February 1, 2024, the Department's Legal Division received a Suspected Fraud Reporting Form from Americo Financial Life & Annuity Company ("Americo") regarding a complaint filed against the Respondent.

4. A request for a response regarding the complaint was mailed to the Respondent's Van Buren address on file with the Department on March 25, 2024. That correspondence was returned as undeliverable. The Department was able to contact the Respondent via electronic mail and learned that he had relocated to Arizona.

5. On April 5, 2024, a new request for a response regarding the complaint made to Americo was mailed to the Scottsdale, Arizona address provided by the Respondent. This correspondence was returned as undeliverable.

6. On July 23, 2024, a Notice of Investigative Conference was mailed to the Respondent's Arizona address via U.S. Mail and Certified Mail, both of which were returned as undeliverable. However, the Respondent did receive the Notice via electronic mail.

7. Respondent remotely participated in the Investigative Conference held on August 6, 2024.

8. Respondent provided a sufficient explanation of the circumstances leading to the complaint filed against him at Americo.

9. Respondent explained that his Arizona mailings were undeliverable because he had failed to provide his apartment number. It was requested of him during the Investigative Conference that he update his address on the National Insurance Producer Registry to reflect his apartment number. As of September 10, 2024, the Respondent's address has not been updated.

10. On June 10, 2024, the Respondent's resident producer license was issued in Arizona, and on June 17, 2024, the Respondent's producer license in Arkansas was converted from a resident producer license to a nonresident producer license.

11. From November of 2023 through June of 2024, the Respondent was conducting the business of insurance as a resident of Arizona while licensed as a resident producer in Arkansas.

### 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. The Arkansas Insurance Code provides as follows in Ark. Code Ann. § 23-64-507(f):

Licensees shall inform the commissioner by any means acceptable to the commissioner of a change of address within thirty (30) days of the change. Failure to timely inform the commissioner of a change in legal name or address shall result in a penalty pursuant to § 23-64-216.


3. Pursuant to Ark. Code Ann. § 23-64-216, the Commissioner has the authority to place an insurance producer's license on probation and require the payment of an administrative penalty of up to one thousand dollars (\$1000) per violation.

### ORDER

**NOW THEREFORE**, based upon the foregoing, the Respondent's waiver of his right to a hearing and appeal under the Arkansas Administrative Procedure Act, Ark. Code Ann. §§ 25-15-201, *et seq.*, and the Respondent's acknowledgement of the Commissioner's jurisdiction over this matter, the Commissioner finds that the Respondent has consented to entry of this Consent Order and that it is appropriate and in the public interest.

**IT IS HEREBY ORDERED** that the Respondent, Kyle James Skyberg, shall pay an administrative penalty in the amount of one thousand dollars (\$1000) within thirty (30) days of the entry of this Consent Order and that the Respondent's Arkansas nonresident insurance producer license shall be placed on probation for a period of one (1) year from the date of entry of this Consent Order.

**IT IS SO ORDERED ON THIS** 14<sup>th</sup> **DAY OF** October, 2024.

  
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**ALAN McCLAIN**  
**INSURANCE COMMISSIONER**  
**STATE OF ARKANSAS**

**AGREED TO BY:**

Signed by:  
  
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**KYLE JAMES SKYBERG**  
**RESPONDENT**  
**NPN 20448184**