



**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

P.O. Box 690, Jefferson City, Mo. 65102-0690

In re:) DIFP No. 111229915C
)
Mary Shan Pillock) AHC No. 12-0072 DI

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER OF DISCIPLINE**

Based on the competent and substantial evidence on the whole record, I, John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration hereby issue the following findings of fact, conclusions of law, and order:

Findings of Fact

1. John M. Huff is the duly appointed Director ("Director") of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Department") whose duties, pursuant to Chapters 374 and 375 RSMo, include supervision, regulation and discipline of insurance producers.

2. The Director filed a Complaint with the Administrative Hearing Commission ("Commission") on January 17, 2012, seeking a finding that cause existed for disciplining Mary Shan Pillock's ("Pillock")'s insurance producer license.

3. On March 7, 2012, Pillock was served with a copy of the Complaint. Pillock never filed an Answer to the Complaint.

4. On April 16, 2012, the Director filed a motion for summary decision and suggestions in support. The Commission gave Pillock until May 2, 2012 to file a response, but she did not respond.

5. On May 21, 2012, the Commission issued an Order finding cause to discipline Pillock's insurance producer license pursuant to §§ 375.141.1(1), (3), and (9) RSMo (Supp. 2011).¹ The Commission found the following facts:

- a. Pillock was licensed as an insurance producer in Missouri, effective April 16, 2009.
- b. On July 23, 2009, the Wisconsin Office of the Commissioner of Insurance denied Pillock's application for a permanent individual intermediary agent's insurance license because Pillock failed to respond to inquiries and because Pillock was delinquent in court-ordered payments of child or family support ("the 2009 Wisconsin denial").
- c. On June 28, 2010, the Indiana Commissioner of Insurance entered a preliminary administrative order and notice of license denial against Pillock denying her request for licensure because she failed to disclose that she had been denied a license in Wisconsin on August 25, 2008² ("the Indiana denial").
- d. On August 19, 2010, the Wisconsin Office of the Commissioner of Insurance denied Pillock's application for a permanent individual intermediary agent's

¹ All references are to the Revised Statutes of Missouri, Supplement 2011, unless otherwise indicated.

² No August 25, 2008 denial by the State of Wisconsin is in the record.

insurance license because Pillock failed to respond to inquiries promptly and because she failed to disclose a previous administrative action on her application (“the 2010 Wisconsin denial”).

- e. On April 8, 2011, Pillock submitted to the Department a uniform electronic renewal application for a non-resident insurance producer license (“the 2011 renewal application”).
- f. Background Question #2 of the 2011 renewal application asked, “Have you been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration, which has not been previously reported to this state?” Pillock answered “No.”
- g. The Director renewed Pillock’s non-resident insurance producer license in 2011. The license will expire on April 16, 2013.
- h. On September 22, 2011, the Wisconsin Office of the Commissioner of Insurance denied Pillock’s application for a permanent individual intermediary agent’s insurance license because Pillock failed to respond promptly to inquiries (“the 2011 Wisconsin denial”).
- i. All of the Wisconsin denials advise Pillock:

This license denial is an administrative action and will be reported to other states. You should check with each state that you are licensed in to see if you are required to report this administrative action. This administrative action should be disclosed on future applications.
- j. All of the denials contain provisions for appeal rights.
- k. Pillock has never reported the 2009 Wisconsin denial, the 2010 Wisconsin denial, the 2011 Wisconsin denial, or the Indiana denial (together, “the

denials”) to the Director.

Commission’s Order, pp. 2-3.

6. The Commission concluded that there is cause to discipline Pillock under § 375.141.1(1) and (3) because Pillock intentionally provided materially incorrect, misleading, or untrue information on the 2011 renewal application when she failed to disclose the license denials in response to Background Question #2. *Commission’s Order*, pp. 4-5.

7. The Commission also found cause to discipline Pillock’s insurance producer license under § 375.141.1(9) because the State of Wisconsin denied a license to Pillock in 2009, 2010, and 2011, and Indiana refused to grant her a license in 2010. *Commission’s Order*, p. 5.

8. The Commission found no cause to discipline Pillock pursuant to § 375.141.1(2) because it did not have sufficient evidence to determine when the administrative actions were finally disposed such that Pillock would then be obligated to report the administrative actions to the Director under § 375.141.6.

9. On May 23, 2012, the Director dismissed Count III, which alleged cause to discipline Pillock under § 375.141.1(2).

10. On May 24, 2012, the Commission issued a Decision incorporating by reference its May 21, 2012 Order.

11. The Commission certified the record of its proceeding to the Director pursuant to § 621.110.

12. Thereafter, the Director served the Notice of Hearing upon Pillock at her address of record by certified mail and regular mail, which set the disciplinary hearing for 10:00 a.m., August 15, 2012, in the offices of the Department, 301 West High Street, Room 530, Jefferson City, Missouri. The certified mail receipt was returned to the Director, but it does not appear to

have been signed by Pillock. However, the United States Postal Service did not return as undeliverable the regular mail with the Notice of Hearing.

13. On August 15, 2012, the Director through his hearing officer, Kristen Paulsmeyer, held the disciplinary hearing. Neither Pillock nor anyone representing her appeared at the disciplinary hearing. Tamara Kopp appeared as counsel for the Department's Consumer Affairs Division ("Division"). *Disciplinary Hearing Transcript*, ("Tr. ") pp. 4-5.

14. The Division's evidence consisted of Exhibits 1 through 3 and the testimony of Karen Crutchfield, Special Investigator with the Division. *Tr.* pp. 8-9, 11.

15. The Division presented evidence of a license revocation by the State of Delaware, and further evidence that Pillock did not report the Delaware license revocation to the Director. *Tr.* p. 11; *Ex. 3, Certified copy of In the Matter of Mary Pillock*, Docket No. 1393-2010, DE DOI NO. 115358.

16. At the hearing, the hearing officer admitted the Division's Exhibit 1, the Commission's record of proceedings, Exhibit 2, the Notice of Hearing, and Exhibit 3, a Final Decision and Order of the Insurance Department of the State of Delaware.³

17. At the hearing, the Division, through counsel and Special Investigator Crutchfield, recommended that Pillock's insurance producer license be revoked. *Tr.* p. 12.

18. Following the hearing and upon the request of the hearing officer, the Division confirmed that it sent copies of Exhibits 1 through 3 to Pillock.

19. The Director hereby adopts and incorporates the May 24, 2012 Decision of the Administrative Hearing Commission referenced herein and does hereby find in accordance with the same. *Director of Dep't of Ins., Fin. Insts. & Prof'l Reg'n v. Mary Shan Pillock*, No. 12-

³ The hearing officer granted the Division's request to leave the record open to allow the substitution of a copy of an exhibit with a certified copy. Following the hearing, the Division substituted Exhibit 3, a copy of *In the Matter of Mary Pillock*, Docket No. 1393-2010, DE DOI NO. 115358, with a certified copy.

0072 DI (Mo. Admin. Hrg. Comm'n May 24, 2012).

20. After the disciplinary hearing, the Division submitted proposed findings of fact, conclusions of law and order.

Conclusions of Law

21. Section 621.110 outlines the procedure after the Commission finds cause to discipline a license. That statute provides, in relevant part:

Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee . . . , the commission shall deliver or transmit by mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with the commission's findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency. . . . Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing[.] . . . The licensee may appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law. . . .

22. Where an agency seeks to discipline a license, the Commission "finds the predicate facts as whether cause exists" for the discipline, and then the agency "exercises final decisionmaking authority concerning the discipline to be imposed." *Tendai v. Board of Reg'n for the Healing Arts*, 161 S.W.3d 358, 364-65 (Mo. banc 2005), *overruled on other grounds*, *Albanna v. Board of Reg'n for the Healing Arts*, 293 S.W.3d 423, 428 n.2 (Mo. banc 2009).

23. The Director has discretion to discipline Pillock's insurance producer license, including the discretion to revoke such license. §§ 374.051.2, 375.141, and 621.110.

24. The principal purpose of § 375.141 is not to punish licensees, but to protect the

public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

25. Pillock, as a licensed insurance producer, lied on an application to renew her license, was denied licensure by two states on multiple occasions, and was revoked by another state. Pillock failed to report any of this to the Director when given the opportunity on the 2011 renewal application and when obligated to report the Delaware revocation after the Director renewed her license.

26. Based on the nature and severity of the aforementioned conduct, sufficient grounds exist for revoking the insurance producer license of Pillock pursuant to §§ 375.141.1(1), (3), and (9).

ORDER

Based on the foregoing findings and conclusions, the insurance producer license of **Mary Shan Pillock** (License No. 8026546) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 11TH DAY OF SEPTEMBER, 2012.



John M. Huff, Director
Missouri Department of Insurance,
Financial Institutions and
Professional Registration

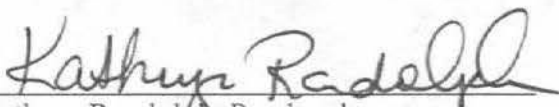
CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September, 2012, a copy of the foregoing Findings of Fact, Conclusions of Law and Order of Discipline, was served by regular mail and certified mail, No. 7009 3410 0001 8931 3551, to the following:

Mary Shan Pillock
6831 NW 6 Court
Margate, Florida 33063

And by hand-delivery to:

Tamara Kopp, Esq.
Senior Counsel
Consumer Affairs Division
Department of Insurance, Financial Institutions
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