

"I was named/involved in a proceeding in which Merrill Lynch and I were named. This matter filed in Dec 2002, was resolved without fault of any party named and without engaging in an arbitration proceedings (sic) effective August 2004. Any and all matters were resolved by Merrill Lynch. (signed) J Daniel Gardner"

5. On July 28, 2005, Department staff sent a letter to Applicant requesting more information and a copy of the documents involved in this proceeding. No response was received from Applicant.
6. On August 26, 2005, Department staff sent an e-mail to the e-mail address shown on the application repeating the request for more information and documents. No response was received from Applicant.
7. On October 12, 2005, an Investigator called Applicant at the business telephone number shown on his application requesting the same information that had been previously requested. Applicant promised to send the information and documents. No response was received from Applicant.
8. This order is in the public interest.

CONCLUSIONS OF LAW

9. Section 375.141.1 RSMo Cum Supp 2004 provides:

The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:

(2) Violating any insurance laws...
10. Section 374.210.2 RSMo 2000 states:

2. Any person who shall refuse to give such director full and truthful information, and answer in writing to any inquiry or question made in writing by the director, in regard to the business of insurance carried on by such person...shall be deemed guilty of a misdemeanor...
10. Applicant failed to respond to two written requests for information and

documents from Department staff, a violation of Section 374.210.2 RSMo 2000, a ground for refusal under Section 375.141.1(2) RSMo Cum Supp 2004.

11. This order is in the public interest.

ORDER

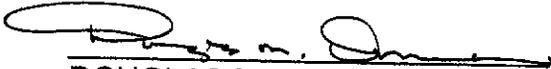
IT IS THEREFORE ORDERED that the issuance of the insurance producer license of Applicant James D. Gardner is hereby summarily REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 17th DAY OF January, 2006.



W. DALE FINKE
DIRECTOR



DOUGLAS M. OMMEN
DEPUTY DIRECTOR
GENERAL COUNSEL

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri within thirty (30) days after the mailing of this notice pursuant to Section 621.120 RSMo.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of January, 2006, a copy of the foregoing notice, order and petition was served upon the Applicant in this matter by certified mail.

Karen Crutchfield
Karen Crutchfield
Senior Office Support Staff