

BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

JUL 07 2006

ADMINISTRATIVE HEARING  
COMMISSION

W. DALE FINKE, Director )  
Department of Insurance )  
State of Missouri, )  
 )  
Petitioner, )  
v. )  
 )  
Gregory Lee Fetters, )  
 )  
Respondent. )  
 )  
Serve at: )  
1305 N. Cedar Crest Dr )  
Independence, MO 64056 )  
(913) 221-8332 )

CASE NO. 06-010824C

**COMPLAINT**

W. Dale Finke, Director of the Missouri Department of Insurance, for his Complaint against Respondent, Gregory Lee Fetters, states as follows:

1. Petitioner is the Director of the Missouri Department of Insurance ("the Director") whose duties, pursuant to Chapters 374 and 375 of the Revised Statutes of Missouri, include the supervision and regulation of licensed insurance producers.

2. At all times mentioned herein, Respondent was a licensed insurance producer (license No. PR342519) in the State of Missouri. Respondent's insurance license expires on February 3, 2007.

3. This Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (2000).

## COUNT I

4. Petitioner re-alleges and expressly incorporates the allegations in paragraphs 1–3.

5. Respondent has signed the name of another to an application for insurance, or to other documents related to the business of insurance, a ground for discipline under § 375.141.1(10), RSMo (Cum. Supp. 2005).

6. The facts are as follows:

a. On March 20, 2006, the Missouri Department of Insurance (“the Department”) received written correspondence from Respondent’s employer, American Family Life Assurance Company of Columbus (“AFLAC”), indicating that they had terminated Respondent for cause and he was not eligible for rehire.

b. AFLAC stated Respondent was terminated as a result of an internal investigation which revealed he had forged an applicant’s signature on an application for insurance. Specifically, Respondent enrolled employees of Harvey Jones Engineering into different types of insurance plans whereby they signed a paper application. Respondent, after obtaining the signatures of the prospective applicants on the written application, generated new plans with additional coverage through a computer application, and affixed the signatures of the applicants onto the electronic application without their consent or knowledge.

c. Subsequent to AFLAC’s investigation and correspondence, the Department scheduled a conference with Respondent to discuss the allegations set forth by his former employer.

d. On May 23, 2006, Respondent attended the scheduled conference with the Department and admitted that he neither completed nor submit the applications in the appropriate or correct manner and that he either transferred or affixed the signatures of Harvey Jones Engineering employees to new insurance plans with the added coverage without the employee's knowledge or consent.

7. As a result, sufficient grounds exist for disciplining Respondent's insurance license pursuant to § 375.141.1(10), RSMo (Cum. Supp. 2005).

## COUNT II

8. Petitioner re-alleges and expressly incorporates the allegations in paragraphs 1-3.

9. Respondent has used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere, a ground for discipline under § 375.141.1(8) RSMo (Cum. Supp. 2005).

10. The facts are as follows:

a. Petitioner re-alleges and expressly incorporates the allegations in paragraph 6.

11. As a result, sufficient grounds exist for disciplining Respondent's insurance license pursuant to § 375.141.1(8), RSMo (Cum. Supp. 2005).

### COUNT III

12. Petitioner re-alleges and expressly incorporates the allegations in paragraphs 1–3.

13. Petitioner has knowingly acted as an insurance producer when not licensed, a ground for discipline under § 375.141.1(12) RSMo (Cum Supp. 2005).

14. The facts are as follows:

a. On February 3, 2005, Respondent began employment with AFLAC as an insurance producer.

b. On July 18, 2005, Respondent's producer license was suspended by the Department for failure to pay or file state taxes.

c. After receiving written notification of license suspension from the Department, Respondent continued to act as an insurance producer and failed to remedy his tax compliance issue with the State.

d. Respondent continued to work for AFLAC as an insurance producer and engaged in the business of insurance without a valid producer license until his termination from AFLAC on February 9, 2006.

15. As a result, sufficient grounds exist for disciplining Respondent's insurance license pursuant to § 375.141.1(12), RSMo (Cum. Supp. 2005)

#### COUNT IV

16. Petitioner re-alleges and expressly incorporates the allegations in paragraph 1-3.

17. Respondent has violated an insurance law, or regulation, subpoena or order of the director or of another insurance commissioner in any other state, a ground for discipline under § 375.141.1(2), RSMo (Cum. Supp. 2005).

18. The facts are as follows:

a. Petition re-alleges and expressly incorporates the allegations in paragraph 6(a) and (b).

b. After receiving written correspondence from AFLAC, Special Investigator, Les Hogue sent Respondent a letter dated March 21, 2006, which requested Respondent to furnish the Department with a detailed letter of explanation addressing the allegations of his former employer. Respondent's response was due no later than April 11, 2006.

c. On April 7, 2006, a Subpoena Duces Tecum was sent to Respondent via certified mail which requested his presence at a conference with the Department on May 23, 2006.

d. On April 10, 2006, Respondent telephoned the Department and acknowledged receipt of the subpoena. Respondent was again instructed by Investigator Hogue to provide the Department with a detailed letter of explanation regarding the allegations of his former employer.

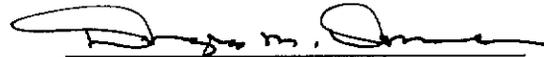
e. The information requested by the Department was not timely received and Investigator Hogue sent Respondent another letter dated April 14,

2006, which requested that he provide the Department with the material previously requested in the letter dated March 21, 2006, and again in the telephone conversation on April 10, 2006. Respondent did not comply with this request in that he failed to provide or furnish the Department with the requested information and as a result he violated § 374.210.2 RSMo.<sup>1</sup>

19. As a result, sufficient grounds exist for disciplining Respondent's insurance producer license pursuant to § 375.141.1(2) RSMo (Cum. Supp. 2005).

**WHEREAS**, based on the foregoing, Petitioner respectfully requests that the Commission make findings of facts and conclusions of law stating that Petitioner has established cause to discipline the insurance license of Respondent.

Respectfully submitted,



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ATTORNEY FOR PETITIONER  
W. Dale Finke, Director  
Missouri Department of Insurance

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<sup>1</sup> 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, and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding three months.