

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

SEP 14 2006

W. DALE FINKE, Director)
Department of Insurance, Financial Institutions and)
Professional Registration, State of Missouri,)

Petitioner,)

v.)

KEITH L. MONIA,)
Serve at:)
P.O. Box 1899)
45 Rivercrest Drive)
Cape Girardeau, MO 63702-1899)

Respondent.)

ADMINISTRATIVE HEARING
COMMISSION

Case No. 060719259C

COMPLAINT

COMES NOW W. Dale Finke, Director, Missouri Department of Insurance, Financial Institutions and Professional Registration, by counsel, and for his Complaint against Respondent, states as follows:

INFORMATION RELEVANT TO ALL COUNTS

1. Petitioner is the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration (hereinafter "Department" or "Director") whose duties, pursuant to Chapter 375, RSMo, include the supervision and regulation of insurance producers.

2. Respondent, Keith L. Monia (hereinafter "Respondent"), has been issued an insurance producer license by the Director, number PR286278, which license is current and active.

3. This Commission has jurisdiction of this Complaint pursuant to section 621.045, RSMo.

Count I

4. Respondent signed the name of another to an application for insurance or to another document related to an insurance transaction without authorization, a ground for discipline under section 375.141.1(10), RSMo (Cum. Supp. 2005).

5. The facts are as follows:

a. On September 9, 2004, Respondent signed a prospective insured's name, Roma Richter, to a Long Term Care Application without Ms. Richter's authorization and forwarded the application to an insurer in order to obtain a commission on the sale of an insurance policy covering Ms. Richter.

b. On the application, Respondent listed Ms. Richter's city and state of residence as Cape Girardeau, Missouri, even though Respondent knew that such statement was false and that Ms. Richter's actual residence address was 304 Cook Avenue, Jonesboro, Illinois. Respondent was not licensed to sell insurance in the state of Illinois and Respondent misrepresented Ms. Richter's city and state of residence to the insurer in order to obtain a commission on the sale of an insurance policy covering Ms. Richter.

c. On August 31, 2004, Respondent signed a prospective insured's name, Roma Richter, to a Certificate of Lost Contract and also to a Statement of Understanding without Ms. Richter's authorization and forwarded the Certificate of Lost Contract

and the Statement of Understanding to an insurer in order to obtain a commission on the sale of an insurance policy covering Ms. Richter.

Count II

6. Respondent signed the name of another to an application for insurance or to another document related to an insurance transaction without authorization, a ground for discipline under section 375.141.1(10), RSMo, (Cum. Supp. 2005).

7. The facts are as follows:

a. On December 22, 2004, Respondent signed prospective insureds, Mary and Denist Gibson, names to a Certificate of Lost Contract without Mr. or Ms. Gibson's authorization and forwarded the Certificate of Lost Contract to an insurer in order to obtain a commission on the sale of an insurance policy covering the Gibsons.

b. On December 22, 2004, Respondent signed a prospective insured's name, Mary Gibson, to a Replacement Notice without Ms. Gibson's authorization and forwarded the Replacement Notice to an insurer in order to obtain a commission on the sale of an insurance policy covering Ms. Gibson.

c. On December 22, 2004, Respondent misrepresented the terms of an insurance contract to prospective insureds, Denist and Mary Gibson, and convinced them to purchase the insurance contract based on his misrepresentations. Respondent misrepresented the terms of the insurance contract by informing the Gibsons that the contract would pay the Gibsons 10% interest annually for the first five years although the actual terms of the contract provided for payment to the Gibsons of 10% interest for the first year only, with possibly no interest thereafter. Respondent also

misrepresented the terms of the insurance contract by informing the Gibsons that the contract terms allowed them to withdraw any of the contract funds at any time although the actual terms of the contract provided for the Gibsons to receive only annual required minimum distributions.

Count III

8. Respondent has violated an insurance law, a ground for discipline under section 375.141.1(2), RSMo (Cum. Supp. 2005).

9. The facts are as follows:

a. Petitioner realleges and incorporates herein by reference all of the allegations set forth in Counts I and II of this Complaint.

b. Respondent's actions violated sections 375.934(1) and 375.936(7), RSMo (2000).

Count IV

10. Respondent has intentionally misrepresented the terms of an actual or proposed insurance contract or application for insurance, a ground for discipline under section 375.141.1(5), RSMo (Cum. Supp. 2005).

11. The facts are as follows:

a. Petitioner realleges and incorporates herein by reference all of the allegations set forth in Counts I, II & III of this Complaint.

Count V

12. Respondent has been found to have committed an insurance unfair trade practice or fraud, a ground for discipline under section 375.141.1(7), RSMo (Cum. Supp. 2005).

13. The facts are as follows:

- a. Petitioner realleges and incorporates herein by reference all of the allegations set forth in Counts I through IV of this Complaint.
- b. Respondent's actions violated sections 375.934(1) and 375.936(7), RSMo (2000), an "insurance unfair trade practice".

Count VI

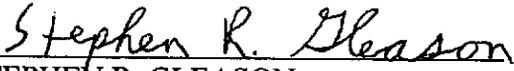
14. Respondent has used fraudulent, coercive or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere, a ground for discipline under section 375.141.1(8), RSMo (Cum. Supp. 2005).

15. The facts are as follows:

- a. Petitioner realleges and incorporates herein by reference all of the allegations set forth in Counts I through V of this Complaint.

WHEREFORE, the Director requests that the Commission find cause to discipline the insurance producer license of Respondent.

Respectfully submitted,


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