

BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

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ADMINISTRATIVE HEARING
COMMISSION

ANGELA RICKABAUGH,)
)
Petitioner,)
)
v.)
)
W. DALE FINKE, Director of)
Insurance, Financial Institutions)
and Professional Registration,)
State of Missouri,)
)
Respondent.)

Case No. 06-1543DI

061101320C

ANSWER

COMES NOW Respondent, W. Dale Finke, Director of Insurance, Financial Institutions and Professional Registration, State of Missouri, and for his Answer, states as follows:

1. Respondent is the duly appointed Director of Insurance, Financial Institutions and Professional Registration, State of Missouri ("the Director"), whose duties include the licensing, discipline and regulation of insurance producers in this state pursuant to Chapter 375, RSMo.

2. On May 25, 2006, Petitioner applied for a Missouri insurance producer license. The Director refused to issue a license to Petitioner on September 26, 2006, pursuant to the following sections:

- a. 375.141.1(1), RSMo Cum. Supp. 2005;
- b. 375.141.1(8), RSMo Cum. Supp. 2005; and
- c. 375.141.1(9), RSMo Cum. Supp. 2005.

3. On September 28, 2006, the Director sent an Order of Refusal to issue the license to Petitioner pursuant to section 621.120, RSMo. A copy of the Order is attached hereto as "Exhibit A"

and incorporated herein by reference. After receiving the Order, Petitioner filed a Complaint with this Commission.

4. The Director denies the allegations set forth in Petitioner's Complaint.

5. Petitioner's conduct that is the cause for the Director's refusal to issue the license and the provisions of law that provide a legal basis for the Director's refusal are set forth in the Director's Order of Refusal, which is incorporated herein by reference. Also, such conduct and provisions of law are set forth below. Section 375.141.2, RSMo Cum. Supp. 2005 also provides a legal basis for the Director's refusal to issue the license.

6. Petitioner has intentionally provided materially incorrect, misleading, incomplete or untrue information in the application for license, a ground for refusal to issue an insurance producer license under section 375.141.1(1), RSMo Cum. Supp. 2005.

7. The facts are as follows:

a. On May 25, 2006, Petitioner represented to the Director in her license application that she had never been involved in an administrative proceeding regarding any professional or occupational license. In fact, Petitioner had previously had an insurance producer license revoked by the Illinois Department of Insurance on January 17, 2003.

b. Petitioner's representation was false.

c. Petitioner knew that the representation was false.

d. Petitioner's representation was material to the Director's decision regarding whether or not to issue a license to Petitioner.

e. The Director refused to issue a license to Petitioner on the May 25, 2006 application.

8. Petitioner has had an insurance producer license revoked in Illinois, a ground for refusal to issue a license under sections 375.141.1(9), RSMo Cum. Supp. 2005, and 375.141.1(9), RSMo 2000.

9. The facts are as follows:

a. On or about January 17, 2003, the Department of Insurance, State of Illinois, revoked Petitioner's Illinois insurance producer license.

10. Petitioner 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 refusal to issue an insurance producer license under sections 375.141.1(8), RSMo Cum. Supp. 2005, and 375.141.1(4), RSMo 2000.

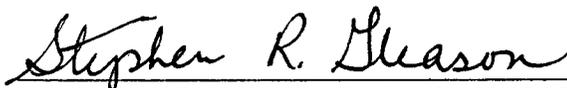
11. The facts are as follows:

a. The Director realleges and incorporates herein by reference all of the allegations contained in paragraphs 1 through 9 of this Answer.

WHEREFORE, the Director requests that the Commission affirm the Director's refusal to issue an insurance producer license to Petitioner.

Respectfully submitted,

W. Dale Finke, Director of Insurance, Financial
Institutions and Professional Registration
State of Missouri



By: Stephen R. Gleason, Senior Counsel #30593
Missouri Department of Insurance, Financial Institutions
and Professional Registration

P.O. Box 690
Jefferson City, MO 65102
Tel: 573-751-2619
Attorney for Respondent, Director of Insurance,
Financial Institutions and Professional Registration

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was sent via first class mail, postage prepaid, on this 14th day of November 2006, to:

Angela Rickabaugh
6 Charles Trail
Lebanon, IL 62254

Stephen R. Gleason



STATE OF MISSOURI
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION

IN THE MATTER OF:)	
)	
Angela Diane Rickabaugh)	Case No. 06A000390
)	
Applicant.)	061101320C
)	
Serve at:)	
)	
6 St. Charles Trail)	
Lebanon IL 62254)	
)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On September 21, 2006, Kathryn Turner, as senior counsel for the Investigations Section of the Division of Consumer Affairs, submitted a petition to the Director alleging cause for refusing to issue the insurance producer license of Angela Diane Rickabaugh (“Applicant”). After reviewing the petition, and the investigative report, the Director issues the following findings of fact, conclusions of law and summary order:

FINDINGS OF FACT

1. Angela Diane Rickabaugh is an Illinois resident with an address of 6 St. Charles Trail, Lebanon, Illinois 62254.
2. On May 30, 2006, Angela Diane Rickabaugh (“Applicant”) filed a Uniform Application for Individual Insurance Producer License (“Application”) with the Department of Insurance seeking licensure as an insurance producer.
3. Question 39-21. of the Application asks,

Have you...ever been involved in an administrative proceeding regarding any professional or occupational license?

“Involved” means having a license...revoked...

4. Applicant checked the "No" answer to this question.
5. Information reported by the State of Illinois, Department of Insurance shows that Applicant's Illinois insurance producer license was revoked on January 17, 2003.
6. Applicant failed to disclose the revocation on the application.
7. This order is in the public interest.

CONCLUSIONS OF LAW

8. Section 375.141.1 RSMo Cum Supp 2005 provides, in part:

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:

9. Section 375.141.1 RSMo Cum Supp 2005 provides, in part:

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:

- (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;
- (8) Using...dishonest practices, or demonstrating...untrustworthiness in the conduct of business;
- (9) Having an insurance producer license...revoked in any other state...

10. Applicant intentionally provided materially incorrect, misleading, incomplete and untrue information on her license application by failing to disclose the revocation of her Illinois insurance producer license, a ground for refusal under Section 375.141.1(1) & (8) RSMo Cum Supp 2005.
11. Applicant had her Illinois insurance producer license revoked on January 17, 2003, a ground for refusal under Section 375.141.1(9) RSMo Cum Supp 2005.

ORDER

IT IS THEREFORE ORDERED that the issuance of the insurance producer license of Applicant Angela Diane Rickabaugh is hereby summarily REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 26th DAY OF September, 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 28th day of September, 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