

BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
JUL 17 2008
ADMINISTRATIVE HEARING
COMMISSION

LINDA BOHRER, Acting Director)
Department of Insurance, Financial)
Institutions & Professional Registration)
State of Missouri,)

Petitioner,)

vs.)

WILLIAM D. MONTGOMERY,)

Respondent.)

Serve:)

William D. Montgomery (18213045-H-207))
Federal Bureau of Prisons)
P.O. Box 1000)
Duluth, Minnesota 55814)

And)

Donald R. Cooley)
Attorney for Respondent)
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Case No.:

07101231K

COMPLAINT

LINDA BOHRER, Acting Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent, William D. Montgomery, because:

INFORMATION RELEVANT TO ALL COUNTS

1. Petitioner is the Acting Director (“Director”) of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, whose duties include, pursuant to chapters 374 and 375, RSMo, the regulation, supervision, and discipline of insurance producers.
2. The Missouri Department of Insurance, Financial Institutions, and Professional Registration (“the Department”), originally issued an insurance producer license to William D. Montgomery (“Respondent”) on November 7, 1974, which has subsequently been renewed and has an expiration date of April 12, 2009 (License No. PR287637).
3. The Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (2000).

COUNT I

4. Respondent entered a plea of guilty to a felony or a crime of moral turpitude. Such is grounds for discipline of Respondent’s insurance producer license pursuant to section 375.141.1(6), RSMo (Supp. 2007). The facts are as follows:
 - a. On August 17, 2005, a Superseding Indictment alleged that on or about March 1, 2005, in Wright County, Missouri, Respondent was in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2) for Possession of a Firearm by an Unlawful User of Controlled Substances.
 - b. The Superseding Indictment also alleged that on or about March 15, 2005, in Wright County, Missouri, Respondent was in violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2) for Possession of a Firearm by an Unlawful User of Controlled Substances.
 - c. On May 24, 2007, in the United States District Court for the Western District of Missouri, Southern Division, (Case No. 05-3094-01-CR-S-RED), Respondent

pleaded guilty to two (2) counts of Possession of a Firearm by an Unlawful User of Controlled Substances. The Court sentenced Respondent to thirty-six (36) months imprisonment.

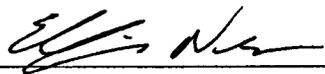
COUNT II

5. Respondent failed to report to the Director within thirty (30) days of the initial pretrial hearing date that he had been prosecuted for a felony or a crime involving moral turpitude as required by § 375.141.7, RSMo (Supp. 2007). Such is a ground for discipline of Respondent's insurance producer license under § 375.141.1(2), RSMo (Supp. 2007). The facts are as follows:

- a. Petitioner realleges and incorporates the facts alleged in Count I of this Complaint, as though fully stated here.
- b. Respondent at no time reported to the Director that he was involved in a criminal prosecution for a felony or a crime involving moral turpitude.

WHEREFORE, based on the foregoing, Petitioner respectfully requests the Commission make findings of fact and conclusions of law stating that Petitioner has established cause to discipline Respondent's insurance producer license pursuant to §§ 375.141.1(2) and 375.141.1(6), RSMo (Supp. 2007).

Respectfully submitted,



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