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

IN THE MATTER OF:	)	
	)	
	)	
Wakamba Kambarangee Guichard, Applicant.	)	Case No. 07A000734
	)	
	)	
Serve at:	)	
Wakamba Kambarangee Guichard	)	
1651 Galiano Street	)	
Deltona, FL 32725	)	
	)	

REFUSAL TO RENEW INSURANCE PRODUCER LICENSE

On September 11, 2008, Dale Hardy Roberts, Special Investigations Legal Counsel of the Consumer Affairs Division, submitted a Petition to the Director alleging cause to refuse to renew the insurance producer license of Wakamba Kambarangee Guichard. After reviewing the Petition, the investigative report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law and summary order:

FINDINGS OF FACT

1. Wakamba Kambarangee Guichard is a Florida resident with an address of 1651 Galiano Street, Deltona, Florida, 32725.

2. On October 30, 2007, the Department of Insurance, Financial Institutions & Professional Registration received the electronically submitted Uniform Application for Individual Non-Resident Insurance Producer License of Applicant.

3. In filling out the Application, Guichard attested under penalty of perjury to the truthfulness and completeness of the information she provided in the Application.

4. Background Question #2 of the Application asks,

   Have you or any business in which you are or were an owner,

partner, officer or director, or member or manager of limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?

5. Guichard answered "No" to this question.

6. At the time Guichard gave this answer the state regulatory agencies in charge of licensure for insurance producers in both Utah and Virginia had each revoked Guichard's respective insurance license in those states.

7. On March 15, 2007, before Guichard submitted her application, the Insurance Commissioner of the Utah Department of Insurance revoked Guichard's Utah insurance license by Default Order.

8. On August 7, 2007, before Guichard submitted her application, the State Corporation Commission of the Commonwealth of Virginia revoked Guichard's Virginia insurance license as a result of the revocation of Guichard's Utah license and her failure to report that revocation to the Commission.

9. On October 30, 2007, as part of its investigation of Guichard's Application, the Department checked the Regulatory Information Retrieval System (RIRS) maintained by the National Association of Insurance Commissioners (NAIC) and discovered the Utah and Virginia revocations.

10. On November 9, 2007, Department Investigator Carrie Couch sent a letter to Guichard advising her that the Department had received her license renewal application. The letter further advised that the Department had reason to believe Guichard's insurance license had been revoked in Utah and Virginia and, pursuant to § 374.190, RSMo, requested from Guichard by December 3, 2007 a detailed letter of explanation of the revocations.

11. Guichard did not respond to Couch's letter of November 9, 2007.

12. On January 10, 2008, Couch spoke to Guichard by telephone and Guichard agreed to send an explanation of the Utah and Virginia insurance license revocations.

13. On February 28, 2008, still not having received an explanation of the revocations, Investigator Couch sent Guichard a second letter, reminding Guichard of Couch's first letter and its request for an explanation and of Guichard's agreement by phone to send an

explanation. In the February 28, 2008 letter Couch advised Guichard that she could withdraw her application or, if she wished to proceed with the application, she could still send an explanation for the Utah and Virginia revocations to Couch by March 19, 2008.

14. On March 21, 2008, still not having received any explanation from Guichard, Couch sent Guichard a third letter, reminding Guichard of the previous letters and the phone call and affording her a final opportunity to respond by April 11, 2008.

15. Guichard failed to respond to Couch's letter of March 21, 2008, and to date Guichard still has not provided the Department with an explanation of the Utah and Virginia insurance license revocations.

16. Guichard to date has not sent the Department any report of the revocation actions taken against her in Utah and Virginia, nor has she provided the Department with a copy of either order entered revoking her licenses in those states, nor has she provided the Department with any other legal documents relevant to those actions.

17. Guichard acknowledged in the phone conversation with Investigator Couch that she had received the Department's letters addressed to her at 1651 Galiano Street, Deltona, Florida, 32725, and that she knew the letters were from the Department, but she simply had not opened them.

18. All of the competent and substantial evidence upon the whole record has been considered. In making this decision on behalf of the Department, I have considered the positions and arguments of all of the parties. Failure to specifically address a piece of evidence, position or argument of any party does not indicate there was a failure to consider relevant evidence, but indicates rather that the omitted material was not dispositive of this decision.

CONCLUSIONS OF LAW

19. Section 375.141, RSMo (Cum. Supp. 2007) provides, in part:

> 1. 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;

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

(9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

...

6. An insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent order or other relevant legal documents.

20. Guichard's Utah insurance license was revoked in Utah on March 15, 2007.

21. Guichard's Virginia insurance license was revoked in Virginia on August 7, 2007.

22. Guichard may be refused an insurance producer license based upon §375.141.1(9), RSMo for the revocation in Utah.

23. Guichard may be refused an insurance producer license, based upon §375.141.1(9), RSMo for the revocation in Virginia.

24. Guichard intentionally provided incorrect, misleading, incomplete or untrue information in her Application when she answered Background Question #2 "No," thereby asserting that she had not been involved in any administrative proceeding regarding any professional or occupational license, or registration, when in fact by the time she submitted the Application she had had two (2) insurance licenses revoked, by Utah and Virginia.

25. Guichard may be refused an insurance producer license, based upon §375.141.1(1), RSMo, for answering "No" to Background Question #2 and thereby intentionally providing incorrect, misleading, incomplete or untrue information in her Application.

26. Guichard may be refused an insurance producer license, based upon §375.141.1(3), RSMo, for answering "No" to Background Question #2 and thereby attempting to obtain a license through material misrepresentation or fraud.

27. Guichard may be refused an insurance producer license, based upon §375.141.1(8), for answering "No" to Background Question #2 and for her neglectful failure to respond to this Department's inquiries and the inquiries and procedures of Utah and Virginia, thereby using fraudulent, coercive, or dishonest practices, or demonstrating incompetence or untrustworthiness in the conduct of business in this state or elsewhere.

28. Guichard may be refused an insurance producer license, based upon §375.141.1(2), RSMo, for failing to report the administrative actions taken against her insurance licenses by the states of Utah and Virginia, in violation of §375.141.6, RSMo, which requires an insurance producer licensed in Missouri to report to the Department "any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter," including a copy of any order or other relevant legal document involved in that administrative proceeding.

29. Guichard may be refused an insurance producer license, based upon § 375.141.1(2), RSMo, for failing to respond to inquiries by the Department into the administrative proceedings involving Guichard in Utah and Virginia, thereby violating 20 CSR 100-4.100 by failing to provide an adequate response to inquiries from the Department's Division of Consumer Affairs within twenty (20) days of the Division's inquiry.

30. The Director has considered the history of Guichard and all of the circumstances surrounding Guichard's Application. Guichard's failure to undertake any action to safeguard her insurance licenses in Utah, Virginia or Missouri demonstrate a pattern of neglect and incompetence that make renewal of her Missouri insurance license not in the interest of the public. For all of these reasons, the Director exercises her discretion in refusing to license Guichard.

31. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the renewal of the insurance producer license of Wakamba Kambarangee Guichard is hereby summarily REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 1st DAY OF October, 2008.

Linda Bohrer

Linda Bohrer, Acting Director

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 (30) days after the mailing of this notice pursuant to Section 621.120, RSMo.

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October, 2008, a copy of the foregoing notice and order was served upon the Applicant in this matter by certified mail.

Karen Crutchfield
Karen Crutchfield
Senior Office Support Staff