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

IN THE MATTER OF:	)	
	)	
Dorian Keith Saunders,	)	Case Nos. 08A000137 and 08A000645
	)	
Applicant.	)	
	)	
	)	
Serve at:	)	
	)	
7405 Michigan Avenue, Apt. #7	)	
St. Louis, Missouri, 63111	)	
	)	

REFUSAL TO RENEW INSURANCE PRODUCER LICENSE

On June 10, 2009, Elfin L. Noce, as Legal Counsel for the Division of Consumer Affairs, submitted a Petition to the Director alleging cause for refusing to renew the insurance producer license of Dorian Keith Saunders ("Saunders"). 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. Dorian Keith Saunders ("Saunders") is a Missouri resident with an address of 7405 Michigan Avenue, Apt. #7, St. Louis, Missouri 63111.

2. Saunders was originally licensed as an insurance producer, license number PR205481, on July 26, 2004, and such license expired on July 26, 2008.

3. On February 19, 2008, the Department of Insurance, Financial Institutions & Professional Registration ("Department") received a complaint from Shirley Woolfolk ("Woolfolk") who alleged she had been unable to access or retrieve any portion of investment funds provided to Saunders and that she was unable to contact Saunders.

4. Based upon Woolfolk's complaint, Special Investigator Ron Harrod ("Harrod") began investigating Saunders and on March 3, 2008, mailed Saunders a letter

requesting a written response to the complaint from Shirley Woolfolk.

5. Saunders did not respond to the March 3, 2008, letter within 20 days from the date the letter was mailed.

6. On August 6, 2008, the Department received a "Renewal Notice" from Saunders.

7. On September 24, 2008, Saunders provided a written response to the March 3, 2008 letter from Harrod.

8. In his written response, Saunders stated "She was retiring and needed options for sustained [i]ncome in 2006. Miss Woolfolk just want [*sic*] succured [*sic*] [g]auranteed [*sic*] [i]ncome to supplement her social security payment she was receiving."

9. Saunders also stated in his written response:

> We set up an account in NolansFX and moved the remaining 15600 into that account. Initially she [Woolfolk] made a little over ($7,000.00 or $8,000.00). Instead of taking it out we stayed with it, until the following month, in an effort to cover the taxes and new car she was wanting. I sent her a statement wich [*sic*] shows this. Then market conditions change [*sic*] abruptly and her money was lost.

10. On October 11, 2008, Saunders signed a Letter of Acceptance, Waiver and Consent with Financial Industry Regulatory Authority ("FINRA") in which Saunders admitted unethical conduct and violating National Association of Security Dealers ("NASD") Procedure Rule 8210, NASD Conduct Rule 2110, and consented to a bar from association with any FINRA member in any capacity.

11. Saunders did not report the Letter of Acceptance, Waiver and Consent with FINRA to the director of the Department within thirty (30) days of its final disposition.

12. On November 24, 2008, Saunders entered into a Consent Order with the Enforcement Section of the Missouri Division of Securities in which Saunders consented to being barred from registration as a broker-dealer agent or investment adviser representative in the State of Missouri.

13. Saunders did not report the Consent Order with the Enforcement Section of the Missouri Division of Securities to the director of the Department within thirty (30) days of its final disposition.

14. On February 5, 2009, a subpoena conference was held at the Department in which

Saunders appeared in order to answer questions regarding the Woolfork complaint.

15. During the subpoena conference when asked by Harrod regarding if Woolfork understood the risk involved with the investment, Saunders, under oath, stated"...I told her there was some risk, but I told her, you know, I wouldn't let that happen..."

16. During the subpoena conference Harrod asked Saunders if the currency market was a relatively risky market to put money into and Saunders replied "Yeah. I would say it was, it was a horrible decision."

CONCLUSIONS OF LAW

17. Section 375.141, RSMo (Supp. 2008) 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:

. . .

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

. . .

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

. . .

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.

. . .

18. 20 CSR 100-4.100, Required Response to Inquiries by the Consumer Affairs Division, provides in relevant part:

. . .

(2) Except as required under subsection (2)(B)—

(A) Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry…

(B) This rule shall not apply to any other statute or regulation which requires a different time period for a person to respond to an inquiry by the department. If another statute or regulation requires a shorter response time, the shorter response time shall be met. This regulation operates only in the absence of any other applicable laws.

19. The principal purpose of § 375.141, RSMo is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo.App. E.D. 1984).

20. Saunders may be refused renewal of his insurance producer license based upon § 375.141.1(2), RSMo (Supp. 2008), for violating 20 CSR 100-4.100 by not responding to Harrod's March 8, 2008, letter within twenty (20) days.

21. Saunders may be refused renewal of his insurance producer license based upon § 375.141.1(8), RSMo (Supp. 2008), for demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state by investing Woolfolk's money in a risky investment when Saunders knew Woolfolk desired a sustained income in her retirement.

22. Saunders may be refused renewal of his insurance producer license based upon § 375.141.1(2), RSMo (Supp. 2008), for violating § 375.141.6, RSMo (Supp. 2008), by failing to report the October 11, 2008, Letter of Acceptance, Waiver and Consent with FINRA within thirty (30) days of its final disposition.

23. Saunders may be refused renewal of his insurance producer license based upon § 375.141.1(2), RSMo (Supp. 2008), for violating § 375.141.6, RSMo (Supp. 2008), by failing to report the November 24, 2008, Consent Order with the Enforcement Section of the Missouri Division of Securities within thirty (30) days of its final disposition.

24. The Director has considered the history of Saunders and all of the circumstances surrounding Saunders' Application. Saunders' demonstrated incompetence, untrustworthiness, and financial irresponsibility makes renewal of his insurance producer license not in the interest of the public. For these reasons, the Director exercises his discretion in refusing to renew Applicant's insurance producer license.

25. This order is in the public interest.

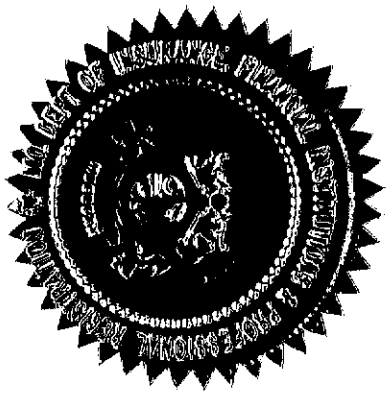
ORDER

IT IS THEREFORE ORDERED that renewal of the insurance producer license of Applicant Dorian Saunders is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 11TH DAY OF JUNE, 2009.

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

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of June, 2009, 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