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

IN THE MATTER OF:	)	
	)	
Ray D. Wolfe,	)	Case No. 08A000974
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
23142 Lawrence 1210 Aurora, Missouri 65605	)	
	)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On June 9, 2009, Elfin L. Noce, as Legal Counsel for the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Ray D. Wolfe ("Wolfe"). 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. Ray D. Wolfe ("Wolfe") is a Missouri resident with an address of 23142 Lawrence 1210, Aurora, Missouri 65605.

2. On October 28, 2005, Wolfe was charged with committing the class A misdemeanor of non-support in the Circuit Court of Barry County, Missouri.

3. On July 6, 2007, a Felony Complaint was filed in the Circuit Court of Greene County, Missouri, stating there is probable cause that Wolfe committed two counts of the class C felony Tampering With a Judicial Officer.

4. On March 27, 2008, Wolfe was convicted of misdemeanor Resisting/Interfering With Arrest, Detention Or Stop in the Circuit Court of Lawrence County, Missouri, Case Number 05L2CR00469.

5. On March 27, 2008, Wolfe was convicted of misdemeanor Assault On a Law Enforcement Officer, Emergency Personnel, or Probation and Parole Officer

(Apprehension Of Physical Injury) in the Circuit Court of Lawrence County, Case Number 05L2CR00470.

6. On March 27, 2008, Wolfe was convicted of misdemeanor Improper Communication in the Circuit Court of Lawrence County, Missouri, Case Number 05L2CR00734.

7. On November 12, 2008, the Department of Insurance, Financial Institutions & Professional Registration ("Department") received the electronic Individual Producer License Application ("Application") from Wolfe.

8. Under "Background Questions," question #1 of the Application asks: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"

9. Wolfe answered "Yes" to this question.

10. Submitted with the Application was a letter dated November 12, 2008, in which Wolfe offered his explanation of the "Yes" response to question #1. With his letter, Wolfe submitted a Missouri State Highway Patrol Criminal History Record, dated November 20, 2007 and an Arraignment/Judgment for case number 05L2CR00469, dated March 27, 2008.

11. In Wolfe's November 12, 2008, letter, he mentions three incidents regarding his criminal history. Wolfe explains that the first incident was a charge for vandalism in 1982, the second incident was a charge in which he defended himself from an "unlawful assault" by a police officer and that he won that case in court, and a third incident was when he talked to a "guy he knew" who was part of a jury pool for Wolfe's jury trial. Wolfe attached court documentation to the letter regarding the second incident.

12. Wolfe's Missouri State Highway Patrol Criminal History Record lists five misdemeanor charges. The first is Property Damage 2nd Degree, which Wolfe was found guilty of on February 25, 1983. Two charges were filed regarding a September 3, 2005 arrest for Assault On a Law Enforcement Officer, Emergency Personnel, or Probation and Parole Officer (Apprehension of Physical Injury) and Resisting/Interfering With Arrest. Two charges were filed regarding a December 19, 2005 arrest for Improper Communication.

13. The Arraignment/Judgment for case number 05L2CR00469, which Wolfe submitted with his letter, states that Wolfe was found not guilty on March 27, 2008.

14. On December 8, 2008, Special Investigator Carrie Couch ("Couch") mailed a letter to Wolfe requesting certified court documents for Wolfe's 2005 assault and

resisting arrest matters, 2005 conviction for improper communication, current felony charge of tampering with a judicial officer, and information regarding his 2005 non-support misdemeanor charge.

15. On or about December 17, 2008, Wolfe mailed a letter to the Department in response to Couch's December 8, 2008 letter. In that letter Wolfe refused to provide additional documentation and in response, stated, "Most of Missouri courts are corrupt and information is mostly inaccurate. I sent you the documents that I had and if the corrupt courts can produce and file false, fraudulent and inaccurate information then you can go after them for the information."

16. On January 20, 2009, Couch mailed Wolfe a Subpoena Duces Tecum, which ordered Wolfe to provide the documents requested in the December 8, 2008 letter on or before February 4, 2009.

17. On January 22, 2009 Wolfe signed the certified mail "green card" when he received the January 20, 2009 Subpoena Duces Tecum.

18. On or about January 22, 2009, Wolfe mailed a letter to Couch in response to the January 20, 2009 Subpoena Duces Tecum, stating:

> If you want a copy of my so-called criminal records then contact the Lawrence County Clerks [sic] office and obtain it. I am not going to waste my time providing you with the documentation that they have on file since I know it is not correct. It is all the Lawrence County Prosecutors [sic] doing, not mine. That tyrant should be shot before a firing squad, or hung on the courthouse lawn for committing all the tyrant, unjust and corrupt acts as he has committed.

Included with this letter was a docket sheet for Wolfe's 2007 charge of tampering with a judicial official.

19. Wolfe failed to submit the documents he was ordered to provide by the Subpoena Duces Tecum by February 4, 2009.

20. On or about February 24, 2009, Couch obtained a certified copy of court documents from Wolfe's misdemeanor non-support charge from the Circuit Court of Barry County, Missouri, case number 05BR-CR00525.

21. On or about March 5, 2009, Couch obtained a certified copy of court documents from Wolfe's felony Tampering With a Judicial Officer charge from the Circuit Court of Springfield, Missouri, case number 31307CF5755.

22. On or about March 6, 2009, Couch obtained a certified copy of court documents

from Wolfe's Resisting/Interfering With Arrest, Detention or Stop charge from the Circuit Court of Lawrence County, Missouri, case number 05L2CR00469.

23. On or about March 6, 2009, Couch obtained a certified copy of court documents from Wolfe's Assault On a Law Enforcement Officer, Emergency Personnel, or Probation and Parole Officer (Apprehension of Physical Injury) from the Circuit Court of Lawrence County, Missouri, case number 05L2CR00470.

24. On or about March 6, 2009, Couch obtained a certified copy of court documents from Wolfe's Improper Communication charges from the Circuit Court of Lawrence County, Missouri, case number 05L2CR00734.

25. The certified copy of the Arraignment/Order for case number 05L2CR00469 that Couch obtained differed from the document that Wolfe submitted with his application, in that the certified copy states Wolfe entered an Alford plea of guilty and the document Wolfe submitted states that Wolfe was found not guilty.

CONCLUSIONS OF LAW

26. Section 374.210.2, RSMo (Supp. 2008) provides, in part:

. . .

The director may also suspend, revoke or refuse any license or certificate of authority issued by the director to any person who does not appear or refuses to testify, file a statement, produce records, or does not obey a subpoena.

27. 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:

(1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;

. . .

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

. . .

(6) Having been convicted of a felony or crime involving moral turpitude;

. . .

28. 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).

29. Moral turpitude has been defined as "an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty, and good morals'." *In Re Frick*, 694 S.W.2d 473, 479 (Mo. 1985). Crimes which involve moral turpitude include crimes involving violations of narcotics laws, fraud, false pretenses, and theft. *Id.*

30. Wolfe may be refused an insurance producer license based upon §§ 375.141.1(1) and 375.141.1(3), RSMo (Supp. 2008), for intentionally providing materially incorrect, misleading, untrue information in his Application and attempting to obtain a license through material misrepresentation or fraud by not disclosing his complete criminal background and providing an altered copy of the court documents for case number 05L2CR00469.

31. Wolfe may be refused an insurance producer license based upon § 375.141.1(6), RSMo (Supp. 2008), based on his conviction of misdemeanor Assault On a Law Enforcement Officer, Emergency Personnel, or Probation and Parole Officer (Apprehension Of Physical Injury), which is a crime of moral turpitude

32. Wolfe may be refused an insurance producer license based upon § 374.210.2, RSMo (Supp. 2008), for his refusal to produce documents when ordered to by a subpoena.

33. In applying his discretion, the Director has considered the history of Wolfe and all of the circumstances surrounding Wolfe's Application including Wolfe's misrepresentations in the Application and his refusal to produce documents requested by the Department. Wolfe's history raises questions of Wolfe's ability to comply with Missouri law and whether he has demonstrated that he can meet the significant responsibilities of a licensed insurance producer. For these reasons, the Director exercises his discretion in refusing to issue an insurance producer license to Wolfe.

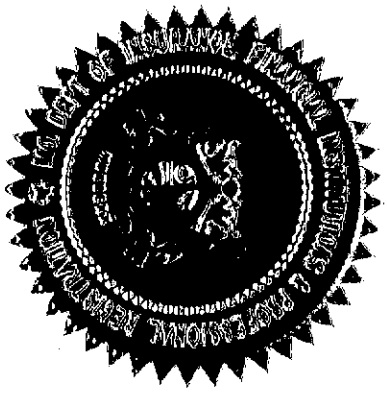
34. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that issuance of the insurance producer license of Applicant Ray D. Wolfe is hereby REFUSED.

SO ORDERED.

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



JOHN M. HUFF
DIRECTOR

NOTICE

TO: Ray D. Wolfe 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 Ray D. Wolfe in this matter by certified mail.

Karen Crutchfield
Karen Crutchfield
Senior Office Support Staff