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

IN THE MATTER OF:	)	
	)	
Terance C. Torrence,	)	Case No. 08A000505
	)	
Applicant.	)	090206159
	)	
Serve at:	)	
	)	
3329 Leopold Way #103 Madison, WI 53713	)	
	)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On March 11, 2009, Elfin L. Noce, as Legal 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 application of Terance C. Torrence ("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. Applicant is a Wisconsin resident with an address of 3329 Leopold Way #103, Madison, WI 53713.

2. On June 17, 2008, the Department of Insurance, Financial Institutions & Professional Registration ("Department") received the electronic Uniform Application for Non-Resident Individual Producer License ("Application").

3. 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?"

4. Applicant answered "Yes" to this question.

5. On June 20, 2008, Applicant submitted a letter, dated June 3, 2008, to explain his "Yes" response to question #1.

6. In his June 3, 2008 letter, Applicant stated "I am currently being charged with battery. My girlfriend and I got into an argument that started away from our home. When we returned home, I called the police, but then told them we didn't need them. The police came to the house anyway as we were leaving and began talking to us. After talking with my girlfriend, the police officer felt I was threatening her and I was arrested. My girlfriend did drop the charges, but they were still filed by the District Attorney. I am now waiting for my trial, but am working with the District Attorney to get the charges dropped."

7. On July 2, 2008, Special Investigator Dennis A. Fitzpatrick mailed a letter to Applicant requesting certified copies of court documents relating to Applicant's "Yes" answer to question #1, requesting a response by July 24, 2008.

8. Applicant did not respond to Special Investigator Fitzpatrick's letter of July 2, 2008.

9. On July 24, 2008, Special Investigator Fitzpatrick mailed a second request for certified copies of court documents relating to Applicant's "Yes" answer to question #1, requesting a response by August 5, 2008.

10. Applicant did not respond to Special Investigator Fitzpatrick's letter of July 24, 2008.

CONCLUSIONS OF LAW

11. Section 375.015, RSMo (Supp. 2008) provides, in part:

. . .

3. The director may require any documents reasonably necessary to verify the information contained in an application.

. . .

12. 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;

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

. . .

13. 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.

. . .

14. Section 374.210.2 states, 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.

15. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course of the mails. *Hughes v. Estes*, 793 S.W.2d 206 (Mo. App. 1990).

16. 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).

17. Applicant may be refused an insurance producer license based upon § 375.141.1(2), RSMo (Supp. 2008), for failing to respond to inquiries by the Department into the criminal proceedings involving Applicant, 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.

18. Applicant may be refused an insurance producer license based upon § 374.210.2,

RSMo (Supp. 2008), for refusal to produce records requested by the director.

19. The Director has considered the history of Applicant and all of the circumstances surrounding Applicant's Application. Applicant's failure to respond repeated inquiries by the Department and failure to produce requested documents demonstrates a pattern of neglect and incompetence that makes issuance of an insurance producer license not in the interest of the public. For these reasons, the Director exercises his discretion in refusing to issue an insurance producer license to Applicant.

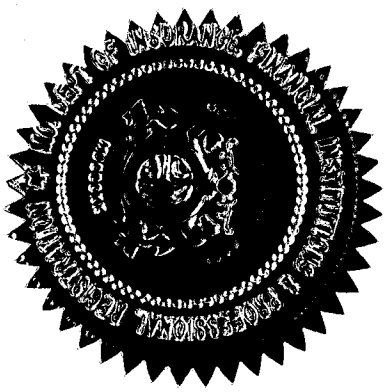
20. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that issuance of the insurance producer license of Applicant Terance C. Torrence is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 12th DAY OF MARCH, 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 16th day of March, 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