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

IN THE MATTER OF:	)	
	)	
Ethan Erickson,	)	Case No. 08A000309
	)	090209191
Applicant.	)	
	)	
Serve at:	)	
	)	
5234 Kendall Ridge Court	)	
Las Vegas, NV 89141	)	
	)	

REFUSAL TO RENEW INSURANCE PRODUCER LICENSE

On March 12, 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 renew the insurance producer license of Ethan Erickson ("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. Ethan Erickson ("Applicant") is a Nevada resident with an address of 5234 Kendall Ridge Court, Las Vegas, NV 89141.

2. Applicant was originally licensed as an insurance producer, license number PR369648, on April 25, 2006.

3. On April 14, 2008, the Department of Insurance, Financial Institutions & Professional Registration ("Department") received the electronic Uniform Non-Resident Renewal Application for Individual Producer License ("Application").

4. Under "Background Questions," 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. On January 31, 2008, Applicant's insurance producer license, or its equivalent, was revoked by the state of North Carolina.

6. Applicant did not report to the Director that his insurance producer license, or its equivalent, had been revoked by the state of North Carolina within thirty (30) days of the final disposition of the matter.

7. On April 25, 2008, Applicant's insurance producer license, or its equivalent, was revoked by the state of Kansas.

8. Applicant did not report to the Director that his insurance producer license, or its equivalent, had been revoked by the state of Kansas within thirty (30) days of the final disposition of the matter.

9. On June 9, 2008, Applicant's insurance producer license, or its equivalent, was revoked by the Commonwealth of Virginia.

10. Applicant did not report to the Director that his insurance producer license, or its equivalent, had been revoked by the Commonwealth of Virginia within thirty (30) days of the final disposition of the matter.

11. On July 10, 2008, a Subpoena Duces Tecum, ordering Applicant's presence at the Department on August 5, 2008 at 10:00 a.m., was mailed via certified mail to Applicant.

12. The certified mail return receipt was signed by Applicant on July 18, 2008 and returned to the Department.

13. On August 5, 2008, Applicant failed to appear for the Subpoena Conference scheduled for 10:00 a.m.

CONCLUSIONS OF LAW

14. 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 cause:

(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;

. . .

(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.

. . .

15. 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.

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(1) and 375.141.1(3), RSMo (Supp. 2008), for providing materially incorrect and untrue information on his Application and by attempting to obtain a license through material misrepresentation by his answer of "No" in response to question #2.

18. Applicant may be refused an insurance producer license based upon § 375.141.1(9), RSMo (Supp. 2008), for having his insurance producer license, or its equivalent, revoked by the states of North Carolina, Kansas, and Virginia.

19. Applicant may be refused an insurance producer license based upon § 374.210.2, RSMo (Supp. 2008), for failure to obey a subpoena.

20. Applicant may be refused an insurance producer license based upon § 375.141.1(2), RSMo (Supp. 2008), for violating § 375.141.6, RSMo (Supp. 2008) by not reporting the revocation of his insurance producer license, or its equivalent, by the states of North Carolina, Kansas, and Virginia.

21. The Director has considered the history of Applicant and all of the circumstances

22. The Director has considered the history of Applicant and all of the circumstances surrounding Applicant's Application. The material misrepresentations on the Application, the revocation of Applicant's insurance producer license, or its equivalent, in three other states and the failure of Applicant to obey a subpoena 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 renew Applicant's insurance producer license.

23. This order is in the public interest.

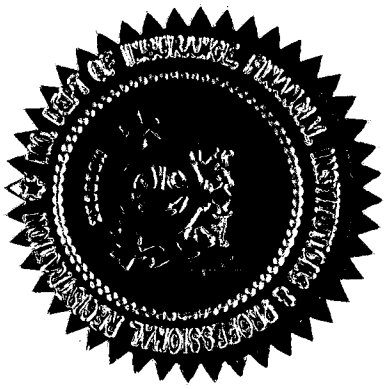
ORDER

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

SO ORDERED.

WITNESS MY HAND THIS 17th 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