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

IN THE MATTER OF:	)	
	)	
Robert D. Cochran, Jr.,	)	Case No. 09A000330
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
6820 N. Nelson Drive Columbia, Missouri 65202	))	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On September 22, 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 Robert D. Cochran, Jr. ("Cochran"). 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. Robert D. Cochran, Jr. is a Missouri resident with an address of 6820 N. Nelson Drive, Columbia, Missouri 65202.

2. On or about August 25, 2008, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Cochran's Uniform Application for Resident Individual Producer License ("Application").

3. In the "Background Questions" section of the Application, Question #1 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. Cochran answered "Yes" to Background Question #1.

5. In the "Background Questions" section of the Application, Question #4 asks: "Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?"

6. Cochran answered "No" to Background Question #4.

7. On May 6, 2002, in *State of Missouri v. Robert Dale Cochran*, Case Number 01CR169233-01, in the Circuit Court of Boone County, Missouri, Cochran was convicted of the felony DWI – Alcohol – Persistent Offender and was sentenced to 3 years in the Department of Corrections, with a suspended execution of sentence, and 5 years probation.

8. On May 7, 2009, Special Investigator Carrie Couch ("Couch") mailed a letter to Cochran requesting information regarding a possible delinquent tax obligation and requested a response by May 27, 2009. The letter was not returned undeliverable.

9. Cochran did not respond to the May 7, 2009 letter.

10. On June 2, 2009, Couch sent a second letter, again requesting information regarding a possible delinquent tax obligation and requested a response by June 22, 2009. The letter was not returned undeliverable.

11. Cochran did not respond to the June 2, 2009 letter.

12. On June 23, 2009, Couch contacted Cochran by telephone. Couch verified Cochran's mailing address and Cochran claimed he had not received the two letters asking for information regarding the delinquent tax obligation. Couch obtained an email address where Cochran could be reached.

13. On June 23, 2009, Couch sent Cochran an email with copies of the May 7, 2009 letter and June 2, 2009 letter attached. Couch again requested further information regarding the possible delinquent tax obligation. The email was not returned undeliverable.

14. Cochran did not respond to the June 23, 2009 email.

15. On July 20, 2009, Couch sent Cochran a second email, again attached the May 7, 2009 letter and the June 2, 2009 letter, and again requested further information regarding the possible delinquent tax obligation. Couch requested a response by July 31, 2009. The second email was not returned undeliverable.

16. On July 20, 2009, Cochran contacted Couch, stating he had faxed the documentation requested on June 23, 2009 to (573) 526-4898 from fax number (573) 443-1388. Couch stated that the fax had not been received and requested that Cochran fax it again.

17. Cochran did not fax additional documentation as requested by Couch and did not respond to the July 20, 2009 email.

CONCLUSIONS OF LAW

18. 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;

. . .

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

. . .

19. 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.

20. 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).

21. Cochran may be refused an insurance producer license based upon § 375.141.1(6), RSMo (Supp. 2008), for his conviction in *State of Missouri v. Robert Dale Cochran*, Case Number 01CR169233-01 for felony DWI – Alcohol – Persistent Offender on May 6, 2002.

22. Cochran may be refused an insurance producer license based upon § 375.141.1(2), RSMo (Supp. 2008), for violating 20 CSR 100-4.100 by failing to respond to the May 7, 2009 letter within 20 days.

23. Cochran may be refused an insurance producer license based upon § 375.141.1(2), RSMo (Supp. 2008), for violating 20 CSR 100-4.100 by failing to respond to the June 2, 2009

letter within 20 days.

24. Cochran may be refused an insurance producer license based upon § 375.141.1(2), RSMo (Supp. 2008), for violating 20 CSR 100-4.100 by failing to respond to the either the June 23, 2009 email or the July 20, 2009 email within 20 days.

25. In applying his discretion, the Director has considered the history of Cochran and all of the circumstances surrounding Cochran's Application. Cochran's felony conviction and his refusal to respond to Department inquiries raises questions of Cochran's ability to comply with Missouri law and whether he can meet the significant responsibilities required of a licensed insurance producer. For these reasons, the Director exercises his discretion in refusing to issue an insurance producer license to Cochran.

26. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that issuance of the insurance producer license of Applicant Robert D. Cochran Jr. is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 6TH DAY OF OCTOBER, 2009.

JOHN M. HUFF
DIRECTOR

NOTICE

TO: Robert D. Cochran, Jr. 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 7th day of October, 2009, a copy of the foregoing notice and order was served upon the Robert D. Cochran, Jr. in this matter by certified mail.

Karen Crutchfield
Karen Crutchfield
Senior Office Support Staff