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

IN THE MATTER OF:	)	
	)	
Alex E. Oliver,	)	Case No. 09A000586
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
2278 Pinto Hill Drive, Apt. F Maryland Heights, Missouri 63043	))	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On October 7, 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 Alex E. Oliver ("Oliver"). 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. Oliver is a Missouri resident with an address of 2278 Pinto Hill Drive, Apt. F, Maryland Heights, Missouri 63043.

2. On or about August 3, 2009, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Oliver's Uniform Application for Individual Insurance Producer License ("Application").

3. In the "Background Questions" section of the Application, Question #2 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?

4. Oliver answered "Yes" to Background Question #2.

5. Along with his Application, Oliver submitted a letter in explanation of his answer to Background Question #2 in which he revealed that he had a license revoked in the state of New York and that the state of Missouri had disciplined his license in 2002.

6. On May 30, 2002, in *Alex E. Oliver v. Director of Insurance*, Case No. 01-1826 DI, the Administrative Hearing Commission, State of Missouri, issued Findings of Fact and

Conclusions of Law and made the following findings of fact:

1. Oliver held a New York insurance agent license (the New York license). On November 9, 1991, New York revoked the New York license (the New York revocation). New York based that action on Oliver's conduct in New York, including forging 17 applications for insurance and misappropriating a premium.

2. In December 1999, Oliver filed with the Director an insurance agent application dated and notarized on August 25, 1999 (the first application) to sell health insurance. On February 3, 2000, relying on the representations in the first application, the Director issued insurance agent License No. AT290687360. That license is and was at all relevant times current and active.

3. On February 7, 2001, Oliver signed a stipulation and consent agreement with the Illinois Department of Insurance (the Illinois order). The Illinois order required Oliver to pay a $1,000 fine before receiving an Illinois insurance agent license, and recited that the basis of the fine was the New York revocation. On February 20, 2001, Illinois issued Oliver an insurance agent license (the Illinois license).

4. On September 6, 2001, Oliver filed with the Director an application dated and notarized on August 24, 2001 (the second application) for amended insurance agent license adding life insurance to the products he is licensed to sell.

. . .

6. Oliver filled out each application on the date it was notarized. He intentionally answered falsely items III.A (licensed in another state) on the first application, and III.B (disciplined in another state) on the second application, to conceal his licensing history.

7. On August 10, 2002, Paul D. Marton ("Marton") complained to the Department that Oliver forged his name to an authorization for direct payment form that related to an insurance application.

8. On August 18, 2002, in response to Marton's complaint, Oliver wrote a letter to the Department stating, in part, "I am very sorry that Paul has experienced problems with his bank but I had no wrong doing in this situation. This is a [*sic*] oversight on Paul's part. Once again I am sorry this happen [*sic*] to Paul but no forgery or fraud was committed on my part in this matter and I am very upset about the allegations."

9. On September 10, 2002, again in response to Marton's complain, Oliver wrote a second

letter to the Department stating:

> On august 18th I responded to allegations accusing me of signing a bank draft on a Paul matron who applied for health insurance thru mid-west national life ins co. the letter I wrote stated that I did not sign the draft. When I wrote the letter I did so knowing this was a true statement because I have never signed one before. On Friday September 6th I was given a chance to review the signature for the first time and with my deepest regrets the signature is mine. I cant explain the guilt I feel at this point but only assure you that it was a misstate and no attempt to hurt Paul martin was there. Mid-west has already contacted Mr. martin to resolve this case as quickly as possible. I would also like to apologize to the department of insurance for the time they had to put into this case.

CONCLUSIONS OF LAW

10. 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;
> >
> > (4) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;
> >
> > . . .
> >
> > (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;
> >
> > (9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

(10) Signing the name of another to an application for insurance or to any document related to an insurance transaction without authorization;

. . .

11. 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).

12. Oliver may be refused an insurance producer license based upon § 375.141.1(9), RSMo (Supp. 2008), because his New York insurance producer license, or its equivalent, was revoked on November 9, 1991.

13. Oliver may be refused an insurance producer license based upon § 375.141.1(1), RSMo (Supp. 2008), for intentionally answering falsely items III.A on his 1999 insurance agent application and III.B on his 2001 insurance agent application.

14. Oliver may be refused an insurance producer license based upon § 375.141.1(3), RSMo (Supp. 2008) for obtaining a license through material misrepresentation and fraud by answering falsely item III.A on his 1999 insurance agent application.

15. Oliver may be refused an insurance producer license based upon § 375.141.1(3), RSMo (Supp. 2008) for attempting to obtain a license through material misrepresentation and fraud by answering falsely item III.B on his 2001 insurance agent application.

16. Oliver may be refused an insurance producer license based upon § 375.141.1(4), RSMo (Supp. 2008), for misappropriating money in the course of doing insurance business.

17. Oliver may be refused an insurance producer license based upon § 375.141.1(10), RSMo (Supp. 2008) for signing the name of Paul Marton to an authorization for direct payment form that related to an insurance transaction without authorization.

18. Oliver may be refused an insurance producer license based upon § 375.141.1(8), RSMo (Supp. 2008), because by forging names to applications for insurance, misappropriating a premium, and signing the name of Paul Marton to an authorization for direct payment form that related to an insurance transaction without authorization, Oliver used fraudulent and dishonest practices and demonstrated untrustworthiness in the conduct of business.

19. In applying his discretion, the Director has considered the history of Oliver and all of the circumstances surrounding Oliver's Application. Oliver's history as an insurance producer, both in Missouri and New York, his misrepresentations on his 1999 application and 2001 application, his signing the name Paul Marton to a form related to an insurance transaction all raise questions of Oliver'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 Oliver.

20. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that issuance of the insurance producer license of Applicant Alex E. Oliver is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 8TH DAY OF OCTOBER, 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, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to § 621.120, RSMo. Under 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2009, a copy of the original foregoing Order and Notice was served upon the Applicant in this matter by certified/priority mail No. 7006 0100 0005 2090 7041.

Karen Crutchfield

Karen Crutchfield
Senior Office Support Staff