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

IN THE MATTER OF:	)	
	)	
Pamela M. Hill,	)	Case No. 10-0407428C
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
1884 N. Main Ave.,	)	
Springfield, Missouri 65803	)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On May 11, 2010, 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 Pamela M. Hill ("Hill"). 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. Hill is a Missouri resident with an address of 1884 N. Main Ave., Springfield, Missouri 65803.

2. On or about November 20, 2009, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Hill's Uniform Application for Individual Insurance 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. Hill answered "Yes" to Background Question #1.

5. In explanation to her "Yes" answer to Background Question #1, Hill stated:

> I plead guilty to a felony, however I was not convicted. It is a suspended imposition of sentence. I use to work for a local bank here in town, and on my last day there when I left, my drawer balanced, another girl co-worker and I balanced it together. I got into a verbal fight with my mother in-law and she tried to find ways to hurt me and get me into trouble. I had not

worked of [*sic*] the back for a little over a year at this time and my mother in-law went to the bank and told them that I took money from them when I left. Well it so happen [*sic*] that at the time that I left there was $2000.00 missing from my drawer, which I wasn't the only, one who had access to. The bank took me to court over it, having no proof that I took the money, basing it upon hearsay from my crazy mother in-law. I spent over $8,000.00 to fight this, but I ran out of resources and I was tired of fighting with the court system. We worked out a deal with the prosocutor [*sic*] and I just got probation for 5 years, which if I am good and stay out of problems I will be off probation in January 2010. I have completed everything that they have asked of me and have stayed out of trouble. This will be off my record when I am done with probation and I will not have to deal with this anymore. I have had no prior or subsequent brushes with the law, not even so much as a speeding ticket. If you have any questions please feel free to contact me.

6. On September 5, 2006, in *State v. Pamela M. Hill*, in the Circuit Court of Christian County, Missouri, Case Number 06N8-CR01073-01, Felony Information was filed in which Pamela M. Hill was charged with committing the class C felony of stealing, "in that on or about the 1st day of April, 2005, in the County of Christian, State of Missouri…Hill, appropriated cash, $2000.00…without consent from Ozark Bank."

7. On May 11, 2007, in *State v. Pamela M. Hill*, in the Circuit Court of Christian County, Missouri, Case Number 06N8-CR01073-01, Hill filed a Petition to Enter Plea of Guilty, in which paragraph 5 states: "I know that the Court must be satisfied that there is a factual basis for the PLEA OF GUILTY before my plea can be accepted. I represent to the Court that I did the following acts in connection with the charge made against me: Stealing – Class C Felony." Paragraph 19 states "I OFFER MY PLEA OF GUILTY FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE INFORMATION AND IN THIS PETITION AND EVERYTHING STATED HEREIN IS TRUE." Hill signed each page of the Petition to Enter Plea of Guilty.

8. On May 11, 2007, in *State v. Pamela M. Hill*, in the Circuit Court of Christian County, Missouri, Case Number 06N8-CR01073-01, Hill pleaded guilty to the Class C Felony Stealing and received a suspended imposition of sentence and five years probation, and was ordered to pay restitution within six months and complete 100 hours of community service.

CONCLUSIONS OF LAW

9. Section 375.141, RSMo (Supp. 2009) 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:
>
> * * *
>
> (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere[.]

10. 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).

11. On May 11, 2007, in *State v. Pamela M. Hill*, in the Circuit Court of Christian County, Missouri, Case Number 06N8-CR01073-01, Hill pleaded guilty to the Class C Felony Stealing and by doing so admitted to the underlying fact that she stole $2,000.00 from Ozark Bank.

12. Hill may be refused an insurance producer license pursuant to § 375.141.1(8), RSMo (Supp. 2009), for using fraudulent, coercive, or dishonest practices and demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state by stealing from her former employer, Ozark Bank.

13. In applying his discretion, the Director has considered the history of Hill and all of the circumstances surrounding Hill's Application. Hill's history regarding her guilty plea to the Class C Felony Stealing raises questions of her ability to comply with Missouri law and whether she 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 Hill.

14. This order is in the public interest.

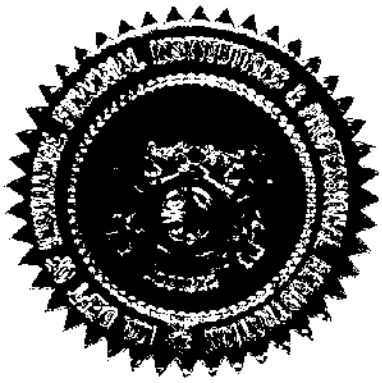
ORDER

IT IS THEREFORE ORDERED that issuance of the insurance producer license of Applicant Pamela M. Hill is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 12TH DAY OF MAY, 2010.

JOHN M. HUFF
DIRECTOR



NOTICE

TO: Pamela M. Hill 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. 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 4th day of June, 2010, a copy of the foregoing notice and order was served upon both Pamela M. Hill by priority mail.

Pamela M. Hill
1884 N. Main Ave.
Springfield, Missouri 65803

Kathryn Randolph
Kathryn Randolph
Paralegal