State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
ANTHONY COLEMAN,	)	**Case No. 150721368C**
	)	
Renewal Applicant.	)	

ORDER REFUSING TO RENEW INSURANCE PRODUCER LICENSE

On September 14, 2016, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to renew the resident insurance producer license of Anthony Coleman. After reviewing the Petition, Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Anthony Coleman ("Coleman") is a Missouri resident with a residential, business, and mailing address of record of 3 Lake Forest Drive, Saint Louis, Missouri 63117-1304.

2. On January 9, 2006, Coleman pled guilty to, and was convicted of, Passing Bad Checks, a Class A Misdemeanor, in violation of § 570.120 ("Passing Bad Checks");[1] the court sentenced Coleman to 90 days' incarceration, a $250.00 fine, and payment of $1,234.44 as restitution, but suspended execution of the term of incarceration and ordered Coleman to complete two years' probation. *State v. Anthony Coleman*, Camden Co. Cir. Ct., Case No. 26R020301059-01 ("*Coleman I*").

3. On January 19, 2006, Coleman pled guilty to, and was convicted of, Passing Bad Checks a second time; the court sentenced Coleman to 180 days' incarceration, a $750.00 fine, and payment of $861.00 as restitution, but suspended execution of the term of incarceration and ordered Coleman to complete two years' probation. *State v. Anthony Coleman*, Miller Co. Assoc. Cir. Ct., Case No. 26R060400723 ("*Coleman II*").

4. On September 17, 2008, the Department of Insurance, Financial Institutions and Professional Registration ("Department") electronically received from Coleman a Uniform Application for Individual Producer License ("2008 Application").

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[1] All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri pursuant to which each judgment was rendered.

5. Coleman falsely answered "No" to Background Question 1 of the 2008 Application which asked, in relevant part: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"

6. Relying on Coleman's misrepresentation in his 2008 Application, the Department issued him a resident insurance producer license, number 0425094, on September 17, 2008.

7. On September 17, 2010, the Department electronically received from Coleman a Uniform Application for Individual Producer License Renewal/Continuation ("2010 Application").

8. Prior to the Department's receipt of his 2010 Application, Coleman did not report to the Department his convictions in *Coleman I* and *Coleman II*.

9. Coleman falsely answered "No" to Background Question 1 of the 2010 Application which asked, in relevant part: "Have you been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime, which has not been previously reported to this insurance department?"

10. Relying on Coleman's misrepresentation in his 2010 Application, the Department renewed Coleman's resident insurance producer license.

11. On July 1, 2011, the Internal Revenue Service filed a Notice of Federal Tax Lien, listing $38,667.87 of individual federal income tax, additions to tax, interest, and penalties that it had assessed against Coleman and declaring that it had "made a demand for payment of this liability, but it remain[ed] unpaid." Doc. No. 07012011-0073, Recorder of Deeds, City of St. Louis.

12. While enrolling insurance clients at a corporation named Land of Oz during the summer of 2012, Coleman gave baseball tickets to officers of the corporation, either as an inducement or after insurance coverage had been effected. The provision of baseball tickets was not specified in either the insurance policies or applicable filings with the Department regarding the insurance policies.

13. Later that same year, Coleman rebated or credited the insurance premiums due on the insurance business he solicited at Land of Oz by paying the first invoice with his personal funds after insurance had been effected, which was not specified in the policies of insurance or any applicable filing.

14. On or about August 7, 2012, Coleman signed the name of K.W.[2] on two insurance policy applications without K.W.'s authorization.

[2] The consumer's identity is protected through the use of initials.

15. On August 27, 2012, the Department electronically received from Coleman another Uniform Application for Individual Producer License Renewal/Continuation ("2012 Application").

16. Prior to the Department's receipt of his 2012 Application, Coleman did not report to the Department his convictions in *Coleman I* and *Coleman II*.

17. Coleman falsely answered "No" to Background Question 1 of the 2012 Application which asked, in relevant part: "Have you been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime, which has not been previously reported to this insurance department?"

18. Relying on Coleman's misrepresentation in his 2012 Application, the Department renewed Coleman's resident insurance producer license.

19. On August 18, 2014, the Department electronically received from Coleman another Uniform Application for Individual Producer License Renewal/Continuation ("2014 Application").

20. Prior to the Department's receipt of his 2014 Application, Coleman did not report to the Department his convictions in *Coleman I* and *Coleman II*.

21. Coleman falsely answered "No" to Background Question 1A of the 2014 Application which asked, in relevant part: "Have you been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor, which has not been previously reported to this insurance department?"

22. Relying on Coleman's misrepresentation in his 2014 Application, the Department renewed Coleman's resident insurance producer license, which is currently set to expire on September 18, 2016.

23. On October 30, 2015, the Internal Revenue Service filed another Notice of Federal Tax Lien, listing $3,026.49 of individual federal income tax, additions to tax, interest, and penalties that it had assessed against Coleman and declaring that it had "made a demand for payment of this liability, but it remain[ed] unpaid." Doc. No. 2015103000028, Recorder of Deeds, St. Louis County.

24. On August 4, 2016, the Department electronically received Coleman's application to renew his resident insurance producer license ("2016 Application").

CONCLUSIONS OF LAW

25. Section 375.141.1 RSMo (Supp. 2013)[3] provides, in relevant part:

> 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:
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> (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;
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> (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;
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> (3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;
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> * * *
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> (6) Having been convicted of a felony or crime involving moral turpitude;
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> (10) Signing the name of another to an application for insurance or to any document related to an insurance transaction without authorization; [or]
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> * * *
>
> (14) Failing to comply with any administrative or court order directing payment of state or federal income tax.

26. Section 379.356.1 is an insurance law and provides, in relevant part:

> No insurer or employee thereof, and no insurance producer shall pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent provided for in applicable filings.

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[3] All statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 RSMo Supplement.

27. The Director may refuse to renew Coleman's resident insurance producer license pursuant to § 375.141.1(1) because he intentionally provided materially incorrect, misleading, incomplete, or untrue information when he did not disclose his two convictions for Passing Bad Checks in response to Background Question 1 in his 2008 Application, 2010 Application, 2012 Application, and 2014 Application.

28. Each time Coleman intentionally provided materially incorrect, misleading, incomplete, or untrue information in an insurance producer license application constitutes a separate and sufficient ground for refusal pursuant to § 375.141.1(1).

29. The Director may refuse to renew Coleman's resident insurance producer license pursuant to § 375.141.1(2) because he violated an insurance law, specifically § 379.356, when he rebated or credited the premiums for his Land of Oz clients' insurance.

30. The Director may refuse to renew Coleman's resident insurance producer license pursuant to § 375.141.1(2) because he violated an insurance law, specifically § 379.356, when he gave baseball tickets to officers of Land of Oz.

31. Each violation of an insurance law by Coleman constitutes a separate and sufficient ground for refusal pursuant to § 375.141.1(2).

32. The Director may refuse to renew Coleman's resident insurance producer license pursuant to § 375.141.1(6) because Coleman has been convicted of crimes involving moral turpitude, specifically Passing Bad Checks. *Coleman I*; *Coleman II*.

33. Each of Coleman's convictions for a crime involving moral turpitude constitutes a separate and sufficient ground for refusal pursuant to § 375.141.1(6).

34. The Director may refuse to renew Coleman's resident insurance producer license pursuant to § 375.141.1(10) because he signed K.W.'s name without authorization on two insurance policy applications.

35. Each time Coleman signed K.W.'s name without authorization on an insurance policy application constitutes a separate and sufficient ground for refusal pursuant to § 375.141.1(10).

36. The Director may refuse to renew Coleman's resident insurance producer license pursuant to § 375.141.1(14) because he has twice failed to comply with an administrative or court order directing payment of federal income tax. *See* Doc. No. 07012011-0073, Recorder of Deeds, City of St. Louis; Doc. No. 2015103000028, Recorder of Deeds, St. Louis County.

37. Each time Coleman failed to comply with an administrative or court order directing payment of federal income taxes constitutes a separate and sufficient ground for refusal pursuant to § 375.141.1(14).

38. The Director has considered Coleman's history and all of the circumstances surrounding Coleman's 2016 Application, including the infirmity of Coleman's previous license applications. Renewing Coleman's resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to renew Coleman's resident insurance producer license.

39. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license renewal application of **Anthony Coleman** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 16th DAY OF SEPTEMBER, 2016.

JOHN M. HUFF
DIRECTOR, Missouri Department of Insurance,
Financial Institutions and Professional Registration

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 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 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.

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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of September, 2016, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by UPS, signature required service, at the following address:

Anthony Coleman
3 Lake Forest Drive
Saint Louis, Missouri 63117-1304

No. 1Z0R15W85895672625

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