

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

P.O. Box 690, Jefferson City, Mo. 65102-0690

In the Matter of:

DALLAS E. AUCH

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**AHC Case No. 10-0875 DI
DIFP Case No. 090921704C**

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER OF DISCIPLINE**

JOHN M. HUFF, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, hereby issues the following Findings of Fact, Conclusions of Law, and Order.

Findings of Fact

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director") whose duties, pursuant to Chapters 374 and 375, RSMo, include the supervision, regulation and discipline of insurance producers and business entity producers.

2. The Missouri Department of Insurance, Financial Institutions and Professional Registration ("the Department") issued a non-resident insurance producer license to Dallas E. Auch

on January 22, 2002 (License No. 163691). The license was renewed and remained active until January 22, 2008, at which time the license was not renewed and expired.

3. On June 21, 2006, a Kansas jury found Auch guilty of felony forgery in violation of K.S.A. 21-3710. *State of Kansas v. Dallas E. Auch*, District Court of Johnson County, Case No. 05CR2781; *aff'd*, *State v. Auch*, 185 P.2d 935 (Kan. Ct. App. 2008). Auch forged the signature of a consumer on documents related to an insurance transaction. *State v. Auch*, 185 P.2d at 938 – 941.

4. Contrary to the requirements of § 375.141.7 RSMo (Supp. 2009),¹ Auch never reported to the Director his criminal prosecution for forgery or provided to the Director a copy of the indictment or information, the order or judgment after any hearing or after the trial, or any other relevant legal documents.

5. After an evidentiary/adjudicative hearing, the Kansas Commissioner of Insurance revoked Auch's Kansas insurance license on December 1, 2006 on the grounds that: (1) Auch violated his professional and fiduciary duty as an insurance agent; (2) Auch's conduct constituted fraudulent or dishonest practices and demonstrated untrustworthiness and financial irresponsibility; and (3) Auch had been convicted of a felony. *In the Matter of the Kansas Resident Insurance Agent's License of Dallas E. Auch*, Kansas Commissioner of Insurance, Final Order, No. 3525-SO.

6. The Kansas revocation is an administrative action for purposes of § 375.141.6.

7. Contrary to the requirements of § 375.141.6, Auch failed to notify the Department of the administrative action by the Kansas Commissioner of Insurance.

8. On May 20, 2010, the Director filed a complaint against Auch with the Administrative Hearing Commission ("Commission") seeking to discipline Auch's non-resident

¹ All references are to RSMo (Supp. 2009) unless otherwise indicated.

insurance producer license pursuant to § 375.141.1 (2), (6), (9), and (10), RSMo.

9. On June 10, 2010, the Commission served Auch with a copy of the complaint, however, Auch did not file an answer.

10. On July 27, 2010, the Director filed with the Commission a Motion for Summary Decision. Auch did not respond to this motion.

11. On September 17, 2010, the Commission issued its Decision finding that cause exists to discipline Auch's insurance producer license pursuant to:

§ 375.141.1(2) for violation of the laws of Missouri and Kansas (failure to notify the Director of the Kansas administrative action against his license as required by § 375.141.6 and failure to notify the Director of the criminal proceeding and conviction as required by § 375.141.7);

§ 375.141.1(6) for being convicted of a felony and crime of moral turpitude (felony forgery);

§ 375.141.1(9) for having his license revoked in another state; and

§ 375.141.1(10) for signing the name of another to a document related to an insurance transaction.

12. On October 19, 2010, the Commission certified the record of its proceeding to the Director pursuant to § 621.110.

13. The Director served Auch by certified mail a notice of the disciplinary hearing to be held at 9:30 a.m. on November 9, 2010, in the offices of the Director, 301 West High Street, Room 530, Jefferson City, Missouri.

14. Auch did not appear at the disciplinary hearing personally or through counsel. At the hearing, counsel for the Department presented the Decision and certified record of the Administrative Hearing Commission in Case No. 10-0875 DI and recommended that the Director revoke Auch's insurance producer license.

15. The Director hereby adopts and incorporates the Administrative Hearing

Commission's Decision dated September 17, 2010, referenced herein, and does hereby find in accordance with the same. *Director of Dep't of Ins., Fin. Inst. & Prof. Reg'n v. Dallas E. Auch*, No. 10-0875 DI (Mo. Admin. Hrg. Comm'n Sept. 17, 2010).

Conclusions of Law

16. Pursuant to §§ 375.141 and 621.110, the Director has the discretion to discipline Auch's insurance producer license including revocation of such license.

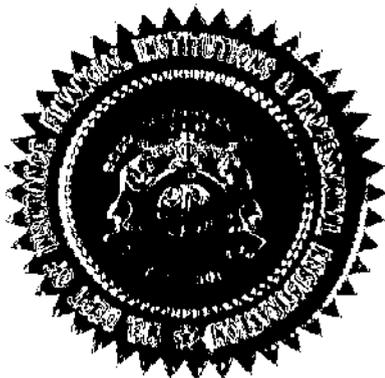
17. Based on the nature and severity of the aforementioned conduct, sufficient grounds exist to revoke Auch's insurance producer license pursuant to §§ 375.141.1(2), (6), (9), and (10).

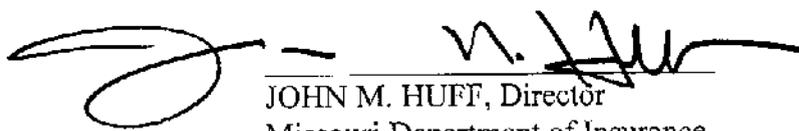
18. This order is in the public interest.

ORDER

Based on the evidence presented and the recommendation of the Department to revoke, the non-resident insurance producer license of Dallas E. Auch (License No. 163691) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 15th DAY OF NOVEMBER, 2010.




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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, via certified mail through the United States Postal Service, certified mail # 7007 0710 0002 20552848 on this 16th day of November, 2010 to:

Dallas E. Auch
14027 W. 139th Terrace
Olathe, KS 66962

Kathryn Randolph