



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:

BRIAN WILSON JAMES

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AHC Case No. 13-1997 DI
DIFP Case No. 13-0913527C

ORDER OF REVOCATION PURSUANT TO § 375.141.5, RSMO

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 of Revocation Pursuant to § 375.141.5, RSMo.

Findings of Fact

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration ("Director"). The Director has the duty to administer Chapters 374 and 375, RSMo, which includes the supervision, regulation, and discipline of insurance companies, agencies, and producers licensed to operate and conduct business in the State of Missouri.

2. The Missouri Department of Insurance, Financial Institutions and Professional Registration (“Department”) originally issued an insurance producer license to Brian Wilson James (“Respondent”) on November 19, 2010 (License Number 8062012). On or about September 12, 2012, Respondent submitted a renewal application to the Department, which renewed his license; that license expires on November 19, 2014.

3. On November 19, 2013, the Director filed a Complaint before the Administrative Hearing Commission (“AHC”), Case No. 13-1997 DI, against Respondent alleging that he has cause to discipline Respondent’s insurance producer license pursuant to § 375.141.1(1), (2), (3), (6) and (9) RSMo Supp. 2012 for: providing materially incorrect information on an application by failing to disclose a criminal conviction and the fact that he had been party to an administrative action in the State of California; failing to report administrative actions taken against him to the Director; violating Wisconsin’s insurance laws; obtaining a license through material misrepresentation or fraud by failing to disclose a criminal conviction and administrative actions against him; having been convicted of a crime of moral turpitude, grand theft embezzlement; and having licenses denied in other states, to wit: California and Wisconsin.

4. The AHC attempted to serve Respondent with the Notice of Complaint/Notice of Hearing via certified mail (Receipt #7196 9008 9111 1390 5888) on November 21, 2013, at Respondent’s home address of record, 1187 Sycamore Drive, Simi Valley, CA 93065.¹ The United States Postal Service returned the certified mail containing the Notice of Complaint/Notice of Hearing to the AHC on December 24, 2013, marked “Unclaimed,” “Return to Sender,” and “Unable

¹ Respondent actually lists the zip code for his Simi Valley residence address of record as “91320.” This, however, is not a zip code for Simi Valley, California; “93065” is, so the Director used that correct zip code for service purposes.

to Forward.”

5. On January 8, 2014, the AHC provided a service packet, which includes the Notice of Complaint/Notice of Hearing, a copy of the complaint, and information regarding proceeding before the AHC, to the Department since the AHC was unable to serve Respondent.

6. On January 10, 2014, the Department sent the above-referenced service packet to Respondent, via certified mail (Receipt #7009 0080 0000 1907 7839), restricted delivery, at his work address of record, 4553 La Tienda Drive, Thousand Oaks, CA 91362. The United States Postal Service delivered the parcel to this California address on January 13, 2014. While the certified mail “green card” has the box checked for “Restricted Delivery,” the card is signed by a “Victor Ramirez.”

7. The Department has consulted on-line and other databases, but has found no other addresses available for Respondent that will likely yield service.

8. Section 375.141.5 provides:

Every insurance producer licensed in this state shall notify the director of any change of address, on forms prescribed by the director, within thirty days of the change. If the failure to notify the director of the change of address results in an inability to serve the insurance producer with a complaint as provided by sections 621.045 to 621.198, RSMo, then the director may immediately revoke the license of the insurance producer until such time as service may be obtained.

Conclusions of Law

9. Pursuant to § 375.141, the Director has the discretion to discipline producers’ insurance licenses, including ordering revocation of such licenses.

10. Pursuant to § 375.141.5, such revocation may be immediate when an insurance producer’s failure to notify the Director of any change of address within thirty (30) days of the

change results in an inability to serve the insurance producer with a complaint as provided by §§ 621.045 to 621.198 RSMo. Such revocation may be effective until such time as service may be obtained.

ORDER

IT IS HEREBY ORDERED that the non-resident insurance producer license of Brian Wilson James (License No. 8062012) is **REVOKED** until such time as service of the Complaint filed with the Administrative Hearing Commission on November 19, 2013, Case No. 13-1997 DI may be obtained or until such time as service of a complaint in a future Administrative Hearing Commission action against Respondent Brian Wilson James may be obtained.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 18TH DAY OF FEBRUARY, 2014.



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