DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	**DIFP Case No. 100916601C**
	)	**AHC Case No. 11-0632 DI**
HOWARD FARBER	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF DISCIPLINE

Based on the competent and substantial evidence on the whole record, I, John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department"), hereby issue the following findings of fact, conclusions of law, and order of discipline:

Findings of Fact

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

2. Respondent Howard Farber ("Farber") was first issued an individual insurance producer license by the Department on January 4, 2006. His license expired on January 4, 2012.

3. On April 8, 2011, the Director filed a Complaint with the Administrative Hearing Commission ("Commission"), alleging cause existed to discipline Farber's individual insurance producer license under § 375.141.1(2), (6) and (9) RSMo (Supp. 2010).[1]

4. On October 3, 2011, the Director filed a partial Motion for Summary Decision in this matter, seeking the Commission's order finding cause for discipline to Farber's license under § 375.141.1(6) and (9).

5. On November 3, 2011, the Commission issued its Order Granting Partial Summary Decision, in which the Commission found cause to discipline Farber's insurance producer license under § 375.141.1(6) and (9), Counts I through VII of the Complaint.

6. In support of that finding of cause for discipline, the Commission found the following facts:

a. On or about March 10, 2005, Farber was convicted of sexual abuse in the second degree, a Class A misdemeanor in violation of § 130.60 of the New York Penal Law, in the Nassau County Court, State of New York.

b. On or about January 12, 2006, Farber entered a plea of nolo contendere to the crime of failure to register as a sex offender, a felony violation of § 943.0435 of the Florida Statutes, in the 17th Judicial Circuit Court, Broward County, State of Florida.

c. On or about February 20, 2009, the commissioner of the Vermont Department of Banking, Insurance, Securities and Health Care Administration issued a

1 All statutory references in this Order shall be to RSMo (Supp. 2010) unless otherwise indicated.

default judgment and order revoking Farber's Vermont non-resident individual producer license.

d. On or about April 22, 2009, the commissioner of insurance of the State of Kansas issued a summary order revoking Farber's Kansas nonresident insurance agent's license.

e. On or about June 19, 2009, the State Corporation Commission of the Commonwealth of Virginia issued an order revoking Farber's insurance license.

f. On or about June 25, 2009, the deputy insurance commissioner of the Commonwealth of Pennsylvania issued a consent order under which Farber consented to the revocation of all of his Pennsylvania licenses or certificates to do the business of insurance.

g. On or about September 1, 2009, the superintendent of insurance of the State of Ohio revoked Farber's Ohio insurance license.

7. On November 4, 2011, the Director voluntarily dismissed the remaining counts in the Complaint.

8. On February 3, 2012, the Commission certified its record of its proceedings to the Director pursuant to § 621.110.

9. The Department served by certified mail and regular mail its official Notice of Hearing for a disciplinary hearing before the Director which notified Farber that the hearing would be held on February 28, 2012. Although the Department did not receive the certified

mail return receipt, the United States Postal Service did not return the Notice of Hearing sent by regular mail.

10. On February 28, 2012, the Director, through his hearing officer, Mary S. Erickson, held the disciplinary hearing at the offices of the Department. Neither Farber nor any person representing Farber attended the hearing. Andy Heitmann, representing the Department's Consumer Affairs Division, recommended that Farber's insurance producer license be revoked.

11. At the hearing, the hearing officer took judicial notice of the Commission's record of proceedings and admitted it as evidence in the Hearing.

12. The Director hereby incorporates the Commission's November 3, 2011 Order, including its Findings of Fact and Conclusions of Law, as if fully set out herein as Findings of Fact and as Conclusions of Law of this Order. *Director of Dep't of Ins., Fin. Insts. & Prof. Reg'n v. Howard Farber*, No. 11-0632 DI (Mo. Admin. Hearing Comm'n, November 3, 2011).

13. Pursuant to § 375.141 and § 621.110 RSMo 2000, the Director has discretion to discipline Farber's insurance producer license, including revocation of such license.

Conclusions of Law

14. Based on the nature of the aforementioned conduct, sufficient grounds exist to revoke Farber's Missouri individual insurance producer license pursuant to § 375.141.1(6) and (9).

15. This Order is in the public interest.

ORDER

Based on the evidence presented, Howard Farber's individual insurance producer license (No. 0362656) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 1ST DAY OF MAY, 2012.

John M. Huff, Director
Missouri Department of Insurance,
Financial Institutions and
Professional Registration

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2012, a copy of the foregoing Findings of Fact, Conclusions of Law and Order of Discipline, was served by regular mail and certified mail, No. 7009 3410 0001 9349 2839, to the following:

Howard Farber
234-14 73rd Avenue
Little Neck, NY 11363

Kathryn Randolph, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 W. High Street, Room 530
Jefferson City, MO 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Kathryn.Randolph@insurance.mo.gov