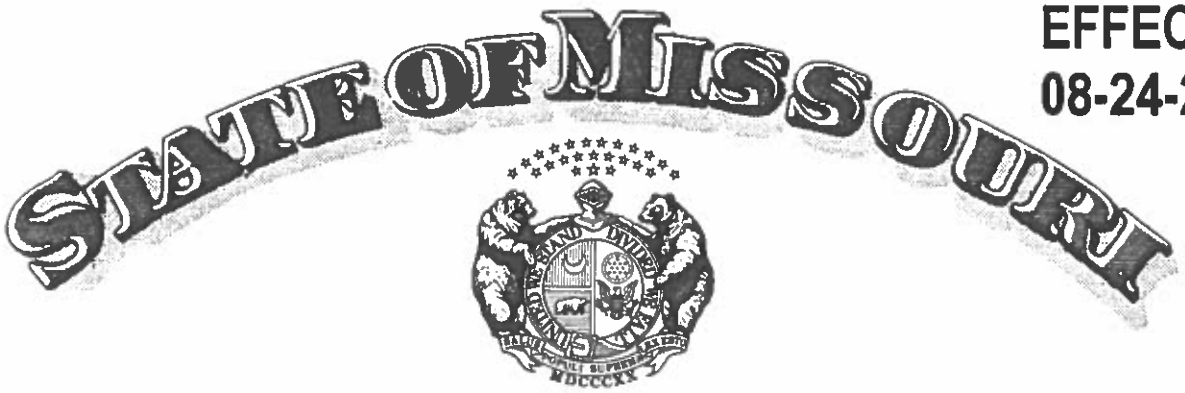
FINAL ORDER EFFECTIVE 08-24-2016



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	**AHC Case No. 16-2794**
	)	**DIFP Case No. 150507277C**
GRACE WILSON SMITH.	)	

SUMMARY ORDER OF REVOCATION

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 Summary Order of Revocation.

Findings of Fact

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

[1] All civil statutory references to the Revised Statutes of Missouri (2000) are to those statutes as updated by 2013 Supplement unless otherwise noted.

2. The Department issued Grace Wilson Smith ("Smith") an individual non-resident insurance producer license (License No. 8072655; National Producer Number 5751545) on May 20, 2011, which she subsequently renewed. Smith's Missouri non-resident insurance producer license expired on May 20, 2015.

3. On May 11, 2016, the Director filed a Complaint before the Administrative Hearing Commission ("Commission"), Case No. 16-2794, against Smith alleging that he has cause to discipline her non-resident insurance producer license pursuant to § 375.141.1(2), (6) and (9) RSMo (Supp. 2013) for:

a. Failure to report to the Director her criminal prosecution for the federal felony of Embezzlement of Public Money, Property or Records, in violation of 18 U.S.C. § 641[2] in *United States v. Grace Wilson Smith*, U.S. Dist. Ct., W.D.N.C., Case No. 3:14-cr-00247-MOC-1;

b. Being convicted of the federal felony of Embezzlement of Public Money, Property or Records, in violation of 18 U.S.C. § 641. *Id*; and

c. Having an insurance producer license or its equivalent suspended or revoked in seven (7) other states.

4. The Commission attempted to serve Smith with the Notice of Complaint/Notice of Hearing via Certified Mail (Receipt # 9414 7266 9904 2065 5522 77) on May 12, 2016, at the last address Smith provided to the Director, 11926 Dupplin Castle Court Charlotte, North Carolina 28277. The United States Postal Service

[2] All references to criminal statutes are to the sections of the United States Code in effect at the time the federal court rendered judgment.

("USPS") attempted delivery of the Notice of Complaint/Notice of Hearing on May 16, 2016, however delivery was unsuccessful. A notice was left by USPS advising Smith to pick up the certified mail containing the Notice of Complaint/Notice of Hearing at the post office or it would be returned to the Commission. On August 1, 2016, USPS returned the unclaimed certified mail containing the Notice of Complaint/Notice of Hearing to the Commission.

5. On July 20, 2016, because the Commission could not effectuate service, the Commission provided a service packet to the Department that included the Notice of Complaint/Notice of Hearing, a copy of the Complaint, and information regarding proceedings before the Commission.

6. On July 22, 2016, the Department served the above-referenced service packet on Smith at 11926 Dupplin Castle Court Charlotte, North Carolina 28277,[3] via United Parcel Service ("UPS"), (Tracking # 1Z0R15W84298064262), electronic tracking, signature required for delivery. On July 26, 2016, UPS attempted to deliver the service packet to Smith, however delivery was unsuccessful. On July 27, 2016, UPS delivered the service packet to a UPS Access Point for Smith to pick up. Smith did not pick the service packet up from the UPS Access Point and the service packet was returned to the Department on August 10, 2016.

7. 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

[3] The Department verified Smith's address with the federal probation officer supervising her probation in *United States v. Grace Wilson Smith*, U.S. Dist. Ct., W.D.N.C., Case No. 3:14-cr-00247-MOC-1.

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

8. Pursuant to § 375.141, the Director has the discretion to discipline Smith's non-residence insurance producer license, including revocation of such license.

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

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SUMMARY ORDER

IT IS HEREBY ORDERED that the non-resident insurance producer license of Grace Wilson Smith (License No. 8072655) is REVOKED until such time as service of the Complaint filed with the Administrative Hearing Commission on May 11, 2016, Case No. 16-2794, may be obtained or until such time as service of a complaint in a future Administrative Hearing Commission action against Grace Wilson Smith may be obtained.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 24th DAY OF August, 2016.

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

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of August, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail and USPS first class mail, to the following address:

Grace Wilson Smith
11926 Dupplin Castle Court
Charlotte, NC 28277

Certified No. 7013 2250 0000 4609 6401

Kathryn Latimer

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