State of Missouri

Department of Insurance, Financial Institutions & Professional Registration

IN RE:	)	
	)	
Michael P. Hasenbeck,	)	
	)	Case No. 110426488C
Applicant.	)	
	)	
Serve at:	)	
	)	
390 S. Woodsmill Road Suite 160 Chesterfield, MO 63017; and	)	
	)	
P.O. Box 2606 Los Alamitos, CA 90720	)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On June 27, 2011, counsel for the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Michael P. Hasenbeck. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and summary order:

FACTUAL BACKGROUND

1. Michael P. Hasenbeck ("Hasenbeck") is an individual who, upon information and belief, currently resides in California. Hasenbeck's mailing address of record is 390 S. Woodsmill Road, Suite 160, Chesterfield, Missouri 63017.

2. On July 13, 2010, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received an electronic resident insurance producer application ("Application") from Hasenbeck.

3. In the "Background Questions" section of the Application, Background Question #4 asks: "Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?" Hasenbeck answered "Yes; California."

4. On or about July 20, 2010, the Department received a fax from Hasenbeck indicating that the delinquent tax obligation referenced on the Application related to state and federal taxes for 2008 and 2009.

5. On July 23, 2010, Consumer Affairs Division investigator Les Hogue mailed a letter to Hasenbeck at the mailing address listed on the Application by first class mail with sufficient postage, requesting more information regarding the affirmative answer Hasenbeck provided to Background Question #4. Hasenbeck's reply was due on or before August 20, 2010. The correspondence was not returned to the Department as undeliverable. Hasenbeck did not respond and did not contact the Department in any way to provide a reasonable justification for a delayed response.

6. On August 6, 2010, Consumer Affairs Division investigator Dana Whaley spoke with Hasenbeck and explained the documentation he was required to provide in order to prove tax compliance. Hasenbeck did not provide any further information in response to this conversation.

7. On or about December 21, 2010, investigator Whaley called Bankers Life & Casualty Company at the business telephone number Hasenbeck provided on his Application, and was informed that Hasenbeck had since left employment with the company.

8. On or about December 21, 2010, investigator Whaley spoke to someone at the home phone number Hasenbeck provided on the Application and was given an alternative number. Investigator Whaley called this number and left a voicemail requesting that Hasenbeck return her call, but investigator Whaley has not received any return call.

9. On March 21, 2011, a search on the Department of Revenue's database revealed an address change for Hasenbeck to P.O. Box 2606, Los Alamitos, California, 90720. Hasenbeck never notified the Department of a change of address.

10. On March 22, 2011, investigator Whaley mailed a letter to Hasenbeck at the Los Alamitos address discussing Hasenbeck's failure to respond to the Department's inquiries along with an offer to withdraw his Application. Hasenbeck's reply was due on or before April 12, 2011. The letter was not returned to the Department as undeliverable. Hasenbeck did not respond and did not contact the Department in any way to provide a reasonable justification for a delayed response.

CONCLUSIONS OF LAW

11. Section 375.141.1 RSMo (Supp. 2010),[1] provides, in 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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> ***
>
> (2) Violating any insurance laws, or violating any regulation subpoena or order of the director or of another insurance commissioner in any other state [.]

12. Title 20 CSR 100-4.100(2)(A) Required Response to Inquiries by the Consumer Affairs Division provides:

> Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction can demonstrate that there is reasonable justification for that delay.

13. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. For Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. 2000) (internal citations omitted).

14. The principal purpose of § 375.141 is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. 1984).

15. The Director may refuse Hasenbeck's insurance producer license Application pursuant to § 375.141.1(2) because by failing to respond to the Consumer Affairs Division's inquiry dated July 23, 2010, Hasenbeck violated a Missouri insurance regulation, namely 20 CSR 100-4.100(2)(A).

16. The Director has considered Hasenbeck's history and any and all of the circumstances surrounding Hasenbeck's Application for licensure and exercises his discretion in summarily refusing to grant Hasenbeck's insurance producer license.

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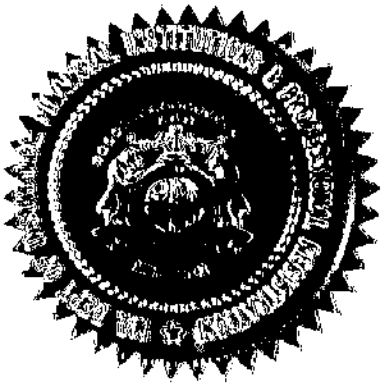
[1] All statutory references are to the Revised Statutes of Missouri (Supp. 2010) unless otherwise noted.

17. Granting Hasenbeck's insurance producer license would not be in the public interest. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of Michael P. Hasenbeck is hereby summarily REFUSED.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 27th DAY OF June, 2011.



JOHN M. HUFF
DIRECTOR

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, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to § 621.120, RSMo. Under 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.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2011 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by certified mail at the following address:

Michael P. Hasenbeck
390 S. Woodsmill Road, Suite 160
Chesterfield, Missouri 63017;
7009 3410 0001 9349 2600

and

P.O. Box 2606
Los Alamitos, California 90720
7009 3410 0001 9349 2617

Kathryn Randolph
Kathryn Randolph, Paralegal