



**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

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

In re:

RICHARD B. HENDIN.

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DIFP No. 090811640C

AHC No. 10-1984 DI

**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:

Findings of Fact

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

2. The Department issued Respondent Richard B. Hendin ("Hendin") an insurance producer license (No. 0352202) on August 2, 2005. Hendin subsequently renewed his license

remained active until it expired for nonrenewal on August 2, 2011.

3. The Director filed a Complaint with the Administrative Hearing Commission (“Commission”) on October 19, 2010, seeking a finding that cause existed for disciplining Hendin’s insurance producer license. On August 30, 2011, Hendin was personally served with a copy of the Complaint and Notice of Complaint/Notice of Hearing. Hendin did not file an Answer.

4. On January 13, 2012, the Director filed a Motion for Partial Summary Decision and Suggestions in Support. The Commission gave Hendin until January 30, 2012 to respond to the Motion, but he did not respond.

5. On March 8, 2012, the Commission issued its Order finding cause to discipline Hendin’s insurance producer license pursuant to § 375.141.1(1), (2), (3), and (9) RSMo (Supp. 2011).¹ The Commission concluded as follows:

- a. On September 11, 2007, the Maryland Insurance Administration revoked Hendin’s Maryland insurance producer license.
- b. On June 16, 2009, Hendin timely filed with the Department an electronic resident individual producer license application (“2009 Application”) to renew his license. The Department renewed Hendin’s license.
- c. Background Question No. 2 of the 2009 Application asked, “Since the last home state renewal, have you or any business in which you are or were an owner, partner, officer, or director ever been involved in an administrative proceeding regarding any professional or occupational license?” Hendin answered “No.”

¹ All statutory references are to the 2011 Supplement to the Revised Statutes of Missouri unless otherwise noted.

- d. Hendin is subject to discipline pursuant to § 375.141.1(1) for failing to disclose on his 2009 Application that Maryland had revoked his insurance producer license, which information was material to his renewal application.
- e. Hendin is subject to discipline pursuant to § 375.141.1(2) because he violated § 375.141.6 when he failed to report to the Director the Maryland revocation within thirty (30) days of the final disposition before the Maryland Insurance Administration.
- f. Hendin is subject to discipline pursuant to § 375.141.1(3) because his negative answer on his 2009 Application constituted fraud and misrepresentation because he did not disclose that his Maryland insurance producer license had been revoked.
- g. Hendin is subject to discipline pursuant to § 375.141.1(9) because the Maryland Insurance Administration revoked his license in 2007.

6. After the Commission granted the Partial Motion for Summary Decision, the Director voluntarily dismissed the remaining counts in the Complaint, and the Commission issued its Decision on March 19, 2012, incorporating its March 8, 2012 Order finding cause to discipline Hendin's license.

7. On April 19, 2012, the Commission certified the record of its proceeding to the Director pursuant to § 621.110.

8. Thereafter, the Director served Hendin by certified mail and regular mail with a Notice of Hearing, setting the disciplinary hearing for 1:30 p.m., May 24, 2012, in Room 530 of the Harry S. Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The

certified mail was refused and returned to the Director. However, the United States Postal Service did not return the Notice of Hearing sent by regular mail.

9. On May 24, 2012, the Director, through his hearing officer, Mary S. Erickson, held the disciplinary hearing at the offices of the Department. Neither Hendin nor any person representing Hendin attended the hearing. Tammy Kearns, representing the Department's Consumer Affairs Division, recommended that Hendin's insurance producer license be revoked.

10. At the hearing, the hearing officer admitted into evidence the Commission's record of proceedings, the Notice of Hearing, and the Affidavit of Tammy Kearns, as Exhibits 1 through 3, respectively.

11. The Affidavit of Tammy Kearns attested that on May 17, 2012, Hendin contacted Ms. Kearns by telephone and said that although he does not currently live at the address where the Notice was sent, the Notice of Hearing was read to him over the phone. Hendin currently resides in the Philippines. He further stated that he would not be in attendance at the disciplinary hearing and he did not oppose the revocation of his Missouri insurance producer license.

12. Hendin had proper and actual notice of the May 24, 2012 disciplinary hearing.

13. The Director hereby adopts and incorporates the March 8, 2012 Order and March 19, 2012 Decision of the Administrative Hearing Commission and does hereby find in accordance with the same. Order, *Director of Dep't of Ins., Fin. Insts. & Prof'l Reg'n v. Richard Hendin*, No. 10-1984 DI (Mo. Admin. Hrg. Comm'n March 8, 2012) and Decision, *Director of Dep't of Ins., Fin. Insts. & Prof'l Reg'n v. Richard Hendin*, No. 10-1984 DI (Mo. Admin. Hrg. Comm'n March 19, 2012).

Conclusions of Law

14. Pursuant to §§ 375.141 and 621.110, the Director has the discretion to discipline Hendin's insurance producer license, including the discretion to revoke such license.

15. Pursuant to § 375.141.4, the Director has authority to revoke any license where the licensee has failed to renew.

16. Based on the nature and severity of the aforementioned conduct, sufficient grounds exist for revoking the insurance producer license of Hendin pursuant to § 375.141.1(1), (2), (3) and (9).

ORDER

Based on the foregoing findings and conclusions, the insurance producer license of **Richard B. Hendin** (License No. 0352202) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 15TH DAY OF JUNE, 2012.

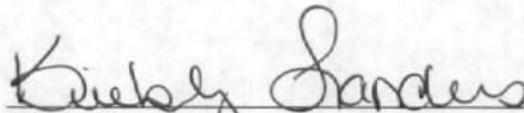


John M. Huff, Director
Missouri Department of Insurance, Financial
Institutions and Professional Registration

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2012, a copy of the foregoing Findings of Fact, Conclusions of Law and Order of Discipline, was served by UPS certified mail/registered mail, signature required, Tracking No. RB-285-345-552-US, and by regular mail, to the following address:

Richard B. Hendin
City Lights Gardens, Tower 3, Unit 3-C
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Cebu City, Cebu 6000
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