DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In re:	)	
	)	DIFP No. 110718588C
BARBARA ISABLE.	)	
	)	AHC No. 11-1682 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, 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 of Insurance, Financial Institutions and Professional Registration issued Respondent Barbara Isable ("Isable") an insurance producer license (No. 8049383) on June 3, 2010. Such license is currently active and set to expire on June 3, 2012.

3. The Director filed a Complaint with the Administrative Hearing Commission ("Commission") on August 15, 2011, seeking a finding that cause existed for disciplining Isable's insurance producer license. On October 15, 2011, Isable was served with a copy of the Complaint. Isable did not file an Answer.

4. The Director filed a motion for summary decision on November 10, 2011. Isable filed no response.

5. On February 27, 2012, the Commission issued its Decision finding cause to discipline Isable's insurance producer license pursuant to § 375.141.1(2) RSMo (Supp. 2011) because Isable failed to respond to the Department's letters in violation of 20 CSR 100-4.100(2)(A) and failed to respond a subpoena in violation of § 374.210.2.

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

a. On July 23, 2010, Reliable Life Insurance Company ("Reliable") terminated Isable for cause for "Mishandling of Claims/Money."

b. On March 22, 2011, Special Investigator Keith Hendrickson, on behalf of the Department's Consumer Affairs Division (the "Division"), sent a letter to Isable's address of record, requesting a response to the correspondence and Reliable's allegations. The letter was not returned as undeliverable.

c. The March 22, 2011 letter required a response by April 12, 2011.

d. Isable did not respond to the March 22, 2011 letter with the requested information and did not contact the Department in any way to provide a reasonable justification for a delayed response.

e. On April 27, 2011, Hendrickson sent a second letter to Isable's address of record requesting a response to the correspondence and Reliable's allegations. The letter was not returned as undeliverable.

f. The April 27, 2011 letter required a response by May 18, 2011.

g. Isable did not respond with the requested information and did not contact the Department in any way to provide a reasonable justification for a delayed response.

h. On May 27, 2011, the Department issued a subpoena duces tecum requiring Isable's presence on June 15, 2011 at a subpoena conference. The Department sent the subpoena by both certified and regular mail.

i. Isable signed for and received the subpoena on June 6, 2011.

j. Isable did not appear at the subpoena conference on June 15, 2011.

k. Isable did not contact the Department at any point during the investigation.

7. The Commission certified the record of its proceeding to the Director pursuant to § 621.110 RSMo (2000).

8. Thereafter, the Director's hearing officer served Isable (at two different addresses) by certified and regular mail with a Notice of Hearing, which set the disciplinary hearing for 9:00 a.m., April 24, 2012, at the Department, 301 West High Street, Room 530, Jefferson City, Missouri. The hearing officer received the certified mail receipts (green cards) signed by Gilbert Hassen and Courtney Isable. The regular mail sent to Isable was not returned as undeliverable and presumably received by Isable.

9. On April 24, 2012, the Director, through his hearing officer, Mary S. Erickson,

held the disciplinary hearing. Neither Isable nor anyone representing her appeared at the disciplinary hearing. Tamara W. Kopp, representing the Consumer Affairs Division, recommended that Isable's insurance producer license be revoked.

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

11. The Director hereby adopts and incorporates the February 27, 2012 Decision of the Administrative Hearing Commission referenced herein and does hereby find in accordance with the same. *Director of Dep't of Ins., Fin. Insts. & Prof'l Reg'n v. Barbara Isable,* No. 11-1682 DI (Mo. Admin. Hrg. Comm'n February 27, 2012).

Conclusions of Law

12. Pursuant to § 375.141 and § 621.110 RSMo 2000, the Director has the discretion to discipline Isable's insurance producer license, including the discretion to revoke such license.

13. 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).

14. Based on the nature and severity of the aforementioned conduct, sufficient grounds exist for revoking Isable's insurance producer license pursuant to § 375.141.1(2).

ORDER

Based on the foregoing findings and conclusions, the insurance producer license of **Barbara Isable** (License No. 8049383) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 16TH 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 16th day of May, 2012, a copy of the foregoing was served by regular mail and certified mail to the following:

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