DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
PAUL B. JOWELL,	)	**Case No.: 110223245C**
	)	
Respondents.	)	

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above-referenced matter for consideration and disposition. The Consumer Affairs Division, through counsel, Ross A. Kaplan, and Respondent Paul B. Jowell, through counsel, Mark G.R. Warren, have reached a settlement in this matter and Respondent has consented to the issuance of this Consent Order.

Findings of Fact

1. John M. Huff is the duly appointed 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 Consumer Affairs Division of the Department ("Division") has the duty of conducting investigations into the unfair or unlawful acts of insurance producers and companies under the insurance laws of this state and has been authorized by the Director to initiate this action before the Director to enforce the insurance laws of this state.

3. The Missouri Department of Insurance, Financial Institutions and Professional Registration ("Department") originally issued a nonresident insurance producer license to Paul B. Jowell ("Jowell") on March 18, 2008, license number 0413729, which is currently active.

4. The South Carolina Department of Insurance ("South Carolina") originally issued a nonresident insurance producer license to Jowell on March 26, 2008, license number 496022, which is currently inactive.

5. The Kansas Insurance Department ("Kansas") originally issued a nonresident insurance producer license to Jowell on October 02, 2008, license number 1290609, which is revoked.

6. Jowell's residential and business address is 867 Bridle Path, Burleson, Texas 76028.

7. Jowell's mailing address is P.O. Box 31, Burleson, Texas 76097.

8. The Division seeks to discipline Respondent Jowell's nonresident insurance producer license and alleges the following regarding Respondent Jowell:

a. On May 06, 2010, in *In the Matter of: Paul B. Jowell*, SCDOI File Number 09-2098, Jowell entered into a Consent Order with South Carolina.

b. In the Consent order, both parties agreed to submit the matter to the South Carolina Director of Insurance rather than have a formal public hearing. In

lieu of the public hearing, South Carolina agreed to not seek revocation of Jowell's license, and Jowell agreed to a $1,500 administrative fine. The South Carolina Director found:

> Evidence was received from a South Carolina consumer that Mr. Jowell's electronic signature appeared as producer of record on an application that was sold online to the consumer by an unlicensed employee of Mr. Jowell. The employee, Robert Safa, aka Robert Baggio or Mohamad Hassan Safa, was not licensed in South Carolina and was not appointed with the insurer, Golden Rule Insurance Company.

While the South Carolina Director still had the power to revoke Jowell's license, he exercised his discretion and imposed the fine.

c. Jowell never reported the South Carolina administrative action to the Director, nor did he provide a copy of the order or other relevant legal documents.

d. On September 28, 2010, in *In the Matter of the Kansas Nonresident Insurance Agent's License of Paul B. Jowell*, Docket No. 4218-SO, Kansas revoked Jowell's nonresident insurance producer license or its equivalent.

e. The Kansas Commissioner found that Jowell had violated Kansas insurance law by not reporting the South Carolina action to Kansas within 30 days and by "using unlicensed individuals to sell insurance." That administrative order became final on October 19, 2010.

f. Jowell never reported the Kansas administrative action to the Director, nor did he provide a copy of the order or other relevant legal documents.

g. On August 13, 2010, Golden Rule Insurance Company ("Golden") terminated Jowell's employment, and on August 18, 2010, Golden notified the Department of that termination.

h. On August 30, 2010, Special Investigator Dennis Fitzpatrick ("Fitzpatrick"), Consumer Affairs Division ("Division") mailed by U.S. Mail, postage prepaid, a letter to Jowell at his mailing address, requesting, among other things, a written, detailed explanation of the termination of employment with Golden and of the South Carolina administrative action.

i. The August 30, 2010 letter stated that Jowell's response was due on or before September 20, 2010.

j. The Division did not receive a response from Jowell to the August 30, 2010 letter nor has Jowell provided a reasonable justification for the delay. The letter was also not returned by the U.S. Postal service as undeliverable.

k. On September 22, 2010, Fitzpatrick mailed by U.S. Mail, postage prepaid, a second letter to Jowell at his mailing address, requesting, among other things, a written, detailed explanation of the termination of employment with Golden and of the South Carolina administrative action.

l. The September 22, 2010 letter stated that Jowell's response was due on or before October 13, 2010.

m. The Division did not receive a response from Jowell to the September 22, 2010 letter nor has Jowell provided a reasonable justification for the delay. The letter was also not returned by the U.S. Postal service as undeliverable.

9. In light of these facts, Respondent Jowell's insurance producer license is subject to discipline on the following grounds:

a. For Jowell accepting insurance business from an individual knowing that person was not licensed, which is a ground for discipline under §375.141.1(12).[1]

b. For having Jowell's insurance producer license or its equivalent revoked by Kansas, which is a ground for discipline under §375.141.1(9).

c. For Jowell failing to report to the Director the administrative actions in South Carolina and Kansas within 30 days of the final disposition of the matter, as required by §375.141.6, RSMo (Supp. 2010). Each failure to report is a separate and sufficient ground for discipline under §375.141.1(2).

d. For Jowell failing to respond to two Division inquiries as required by 20 CSR 100-4.100. Each failure to respond is a separate and sufficient ground for discipline under §375.141.1(2).

10. Section 375.141 provides, in relevant part:

> 1. 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:
>
> * * *
>
> (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;
>
> * * *
>
> (9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

[1] All statutory references are to RSMo (Supp. 20010) unless otherwise indicated.

* * *

> (12) Knowingly acting as an insurance producer when not licensed or accepting insurance business from an individual knowing that person is not licensed[.]
>
> * * *
>
> 6. An insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent order or other relevant legal documents.

11. Respondent Jowell admits to the facts alleged by the Division as outlined in this Consent Order. Respondent agrees that these facts constitute grounds to discipline his insurance producer license.

12. Each party agrees to pay all of their own fees and expenses incurred as a result of this case, its litigations, and/or its settlement. The parties further agree that neither is the prevailing party pursuant to §536.087, RSMo 2000.

13. Respondent Jowell stipulates and agrees to waive any rights that he may have to a hearing before the Administrative Hearing Commission, the Director or Department, and any rights to seek judicial review or other challenge or contest the terms and conditions of this Order and forever release and hold harmless the Department, the Director and his agents, and the Division from any and all liability and claims arising out of, pertaining to or relating to this matter.

14. Each signatory to this Consent Order certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she represents, to accept the terms and provisions of this Consent Order in their entirety, and agrees, in his or her personal or representational capacity, to be bound by the terms of this Consent Order.

15. Upon the execution of this Consent Order by all listed signatories below and upon the issuance of this Consent Order by the Director, the Director will dismiss, with prejudice, *Director, Department of Insurance, Financial Institutions and Professional Registration v. Paul B. Jowell*, Case No. 11-1329 DI, pending before the Missouri Administrative Hearing Commission.

Conclusions of Law

16. The allegations raised by the Consumer Affairs Division are grounds to discipline Respondent Jowell's nonresident insurance producer license pursuant to §§375.141.1 (2), (9), and (12).

17. The Division is authorized to settle this matter and the Director is authorized to issue this Consent Order in the public interest pursuant to §621.045 and §536.060, RSMo (2000).

18. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Consent Order is in the public interest.

ORDER

IT IS ORDERED THAT Respondent Paul B. Jowell's nonresident insurance producer license (No. 0413729) is hereby revoked.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 19th DAY OF OCTOBER, 2011.

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

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Respondent Paul B. Jowell has a right to a hearing, but that Respondent waived the hearing and consented to the issuance of this Consent Order.

Paul B. Jowell
867 Bridal Path
Burleson, Texas 76028
Telephone: (817) 538-7522
Respondent

Date 10/17/2011

Mark G.R. Warren
Counsel for Respondents
Missouri Bar No. 44618
Address: 237 East High Street
Jefferson City, Missouri 65101
Telephone: (573) 634-2522
Facsimile: (573) 634-4526

Date 10-21-11

Ross A. Kaplan
Counsel for Consumer Affairs Division
Missouri Bar No. 62990
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492

Date 10/26/11