BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
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ADMINISTRATIVE HEARING COMMISSION

DIRECTOR OF THE DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION STATE OF MISSOURI,	)	
Petitioner,	)	
	)	**Case No.:**
vs.	)	
WARREN MOELLERING,	)	
Respondent.	)	
Serve:	)	
4125 CR 241	)	
Palmyra, Missouri 63461	)	
And	)	
307 North Vine Street	)	
Monroe City, Missouri 63456	)	

COMPLAINT

The Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, through counsel, complains and requests the Administrative Hearing Commission find that cause exists to discipline the insurance producer license held by Respondent Warren Moellering, because:

INFORMATION RELEVANT TO ALL COUNTS

1. Petitioner is the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration. The Director has the duty to administer Chapters 374 and 375, RSMo, which includes the supervision, regulation, and discipline

of insurance companies, agencies, and producers licensed to operate and conduct business in the State of Missouri.

2. The Department of Insurance, Financial Institutions and Professional Registration ("Department") issued Respondent Warren Moellering ("Respondent") an insurance producer license (No. 389027) on February 26, 2007. Respondent's insurance producer license was suspended for tax compliance issues on September 5, 2007, and expired on February 26, 2009. Respondent has not applied to renew the license since it expired.

3. The Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (Supp. 2009).[1]

COUNT I

4. Respondent failed to respond to Division inquiries in violation of regulation 20 CSR 100-4.100(2)(A) Required Response to Inquiries by the Consumer Affairs Division. Respondent's violations of the regulation are grounds to discipline his insurance producer license pursuant to § 375.141.1(2).

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

> (A) 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 shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

6. Section 375.141.1, provides, in part:

[1] All statutory references are to the 2009 Supplement to the Revised Statutes of Missouri, unless otherwise noted.

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;

* * *

7. The facts are as follows:

a. In May 2008, the Department received a consumer complaint against Respondent alleging that Respondent misrepresented an insurance product.

b. Department's Consumer Affairs Division Investigator Diana Brady mailed inquiries to Respondent regarding the consumer complaint on May 29, 2008, and March 26, 2009. The inquiries required that Respondent respond in writing within approximately 20 days from the date the inquiries were mailed. The inquiries were mailed to Respondent's address of record at 307 North Vine Street, Monroe City, Missouri 63456. Respondent had provided the Monroe City, Missouri address on his license application in 2007. Neither of the inquiries was returned as undeliverable. Respondent did not contact the Department in any way to demonstrate a reasonable justification for a delayed response.

c. To date, Respondent has not provided a different address to the Department.

d. On May 6, 2009, after Respondent failed to respond to the March 2009 inquiry, Investigator Brady sent a subpoena via certified mail to Respondent at 4125 CR 241, Palmyra, Missouri 63461. The PS Form 3811 ("Green Card") shows a signature that appears to be Respondent's signature and indicates a date of delivery of May 9, 2009. The subpoena ordered Respondent to appear before the Director on June 3, 2009, at 10:30 a.m.

e. Respondent failed to appear at the Department office as ordered by the subpoena. Respondent did not contact Investigator Brady or anyone else in the Department to reschedule his appearance.

8. Respondent's failure to respond to two written inquiries constitutes two violations of regulation 20 CSR 100-4.100(2)(A), which is cause to discipline his insurance producer license pursuant to § 375.141.1(2).

COUNT II

9. Respondent failed to obey a subpoena issued by the Director which is a ground to discipline his insurance producer license pursuant to § 374.210.2.

10. Petitioner incorporates the allegations in paragraph 7 as though fully stated herein.

11. Section 374.210.2, provides, in part:

* * *

> The director may also suspend, revoke or refuse any license or certificate of authority issued by the director to any person who does not appear or refuses to testify, file a statement, produce records, or does not obey a subpoena.

12. Because Respondent failed to obey a subpoena issued by the Director, he is subject to discipline pursuant to § 374.210.2.

COUNT III

13. Respondent failed to notify the Director of a change of address, on forms prescribed by the director, within 30 days of the change as required by § 375.141.5, which is a ground to discipline his insurance producer license pursuant to § 375.141.1(2).

14. Petitioner incorporates the allegations in paragraph 7 as though fully stated herein.

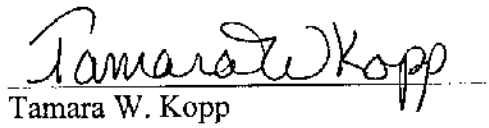
15. Section 375.141.5, provides:

> Every insurance producer licensed in this state shall notify the director of any change of address, on forms prescribed by the 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.

16. Because Petitioner failed to notify the Director of a change of address as required by § 375.141.5, his license is subject to discipline pursuant to § 375.141.1(2).

WHEREFORE, based on the foregoing, Petitioner respectfully requests that the Commission make findings of fact and conclusions of law stating that Petitioner has established cause to discipline Respondent Warren Moellering's insurance producer license pursuant to §§ 374.210.2 and 375.141.1(2), RSMo (Supp. 2009).

Respectfully submitted,



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