DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	AHC Case No. 12-1044 DI
	)	DIFP Case No. 12-0126085C
WILLIAM JAMES PORATH	)	

ORDER OF REVOCATION

JOHN M. HUFF, Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, hereby issues the following Findings of Fact, Conclusions of Law, and Order of Revocation.

Findings of Fact

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration (hereinafter, "Director" of the "Department"). 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 issued Respondent William James Porath ("Respondent")

a non-resident insurance producer license (No. 0372307) on June 8, 2006. Respondent's license expired on June 8, 2012.

3. On June 13, 2012, the Director filed a Complaint with the Administrative Hearing Commission ("AHC"), Case No. 12-1044 DI, against Porath alleging that cause to discipline Porath's insurance producer license pursuant to §§375.141.1(1), (2), (3), (6), and (9) RSMo Supp. 2011, for the following:

a. Porath was convicted of a crime of moral turpitude, namely the Class A Misdemeanor of "Fourth Degree Sexual Assault" where the victim was a minor. *State of Wisconsin v. William J. Porath*, Brown County Circuit Court, Case No. 2010CF000578;

b. Porath's insurance producer license, or its equivalent, was revoked in the states of Wisconsin, North Dakota, Michigan, and Texas;

c. Porath failed to report to the Director any of the administrative actions taken against his insurance producer licenses by the Wisconsin, North Dakota, Michigan, and Texas state insurance regulators to the Department within 30 days of the final disposition of any of the cases, as required by § 375.141.6, a Missouri insurance law;

d. Porath failed to report the criminal prosecution against him in *State of Wisconsin v. William J. Porath*, Brown County Circuit Court, Case No. 2010CF000578, to the Director within 30 days of the initial pretrial hearing date in that case, as required in § 375.141.7, a Missouri insurance law; and

e. Porath obtained or attempted to obtain a non-resident producer's license through material misrepresentation or fraud, by intentionally providing materially incorrect, misleading, incomplete, or untrue information on his Uniform Application for Individual Non-Resident License Renewal.

4. On June 14, 2012, the AHC attempted to serve the Director's Complaint on Porath by certified mail at Porath's residence and business address of record, 811 11th Ave., Green Bay, Wisconsin 54304, and his mailing address of record, 3500 Packerland Dr., De Pere, Wisconsin 54113.

5. The certified mail sent to the De Pere, Wisconsin address was returned to the AHC with the following notation: "Return to Sender, Refused, Unable to Forward" and "Refused No longer here."

6. The PS Form 3811 ("green card") for the certified mail sent to the Green Bay, Wisconsin address was returned signed by Melissa Porath, not William Porath, although the package was sent by "restricted delivery."

7. On July 3, 2012, Department paralegal Kathryn Randolph, contracted with HPS Process Service and Investigations ("HPS") to attempt to serve the Complaint on Porath at 811 11th Ave., Green Bay, Wisconsin 54304. HPS was unable to serve Porath at that address.

8. On August 8, 2012, Randolph requested HPS to attempt to serve the Complaint on Porath at 3500 Packerland Dr., De Pere, Wisconsin 54113. HPS attempted to serve Porath at that address, but the address was vacant.

9. Porath's current address is unknown.

10. 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.

Conclusions of Law

11. Pursuant to § 375.141, the Director has the discretion to discipline Porath's insurance license, including revocation of such license.

12. Pursuant to § 375.141.5, such revocation may be immediate when an insurance producer's failure to notify the Director of any change of address within 30 days of the change results in an inability to serve the insurance producer with a complaint as provided by §§ 621.045 to 621.198 RSMo. Such revocation may be effective until such time as service may be obtained.

13. Porath's failure to notify the Director of a change of address within 30 days of the change has resulted in an inability to serve Porath with an AHC Complaint as provided by §§ 621.045 to 621.198 RSMo.

ORDER

IT IS HEREBY ORDERED that the insurance producer license of William James Porath (License No. 0372307) is REVOKED until such time as service of the Complaint filed with the Administrative Hearing Commission on June 13, 2012, Case No. 12-1044 DI, may be obtained or until such time as service of a complaint in a future Administrative Hearing Commission action against William James Porath may be obtained.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 11TH DAY OF SEPTEMBER, 2012.

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