DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In re:	)	
	)	
TOMMY O. ROBERTS, II,	)	
	)	DIFP Case No. 100916604C
and	)	AHC Case No. 11-0028 DI
	)	
SEQUOYAH COUNTY ABSTRACT	)	
AND TITLE INC.	)	

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 and business entity producers.

2. The Department originally issued a nonresident insurance producer license to Tommy O. Roberts II ("Roberts") on December 5, 2005, License No. 360692, which expired on December 5, 2007.

3. The Department originally issued a business entity producer license to Sequoyah County Abstract and Title Inc. ("Sequoyah") on December 7, 2001, License No. 8013683, which expired on December 7, 2009.

4. The Director filed his Amended Complaint with the Administrative Hearing Commission ("Commission") on March 3, 2011, seeking a finding that cause existed for disciplining Roberts' insurance producer license and Sequoyah's business entity producer license.

5. On June 3, 2011, the Director filed a motion for decision without hearing.

6. The Commission gave Roberts and Sequoyah until June 17, 2011 to respond, but they failed to respond.

7. On November 18, 2011, the Commission issued its Decision, finding cause to discipline the insurance producer license of Roberts pursuant to §§ 375.141.1(2) and (8) RSMo (Supp. 2010)[1] and cause to discipline the business entity insurance producer license of Sequoyah pursuant to §§ 375.141.1(2), (8) and 375.141.3. The Commission concluded as follows:

a. While serving as the settlement agent for three different transactions, Roberts and Sequoyah failed to record the deeds and security instruments within five business days. Therefore, Roberts and Sequoyah are subject to discipline under § 375.141.1(2) for violating § 381.026.1.

b. The repeated failures of Roberts and Sequoyah to properly record deeds and

security instruments, communicate properly with the title agent, and pay over the title insurance premiums from their customers demonstrate that Roberts and Sequoyah were incompetent because they were unwilling and unable to function properly in their profession. The failure to pay over the title insurance premiums collected from their customers also demonstrates Roberts and Sequoyah were financially irresponsible in the conduct of their business by mishandling the funds entrusted to them. Due to their incompetent and financially irresponsible actions, the customers of Roberts and Sequoyah did not receive title insurance. Therefore, Roberts and Sequoyah are subject to discipline under § 375.141.1(8) for incompetency and financial irresponsibility.

c. Roberts was an officer and sole owner of Sequoyah and Sequoyah's only insurance producer. Sequoyah knew of the violations Roberts committed and failed to report the violations or take any corrective action. Therefore, Sequoyah is subject to discipline under § 375.141.3.

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

9. Thereafter, the Director served upon Roberts and Sequoyah by certified mail a notice of hearing to be held at 9:00 a.m. on January 24, 2012, in the offices of the Director, 301 West High Street, Room 530, Jefferson City, Missouri. The certified mail receipt was signed and returned to the Director.

10. Neither Roberts, Sequoyah nor anyone on their behalf appeared at the January 24,

2012 disciplinary hearing. At the hearing, counsel for the Department's Consumer Affairs Division presented the Commission's record of proceedings and recommended to the hearing officer, Mary S. Erickson, that Roberts' insurance producer license be revoked and that Sequoyah's business entity insurance producer license be revoked.

11. The Director hereby adopts and incorporates the November 18, 2011 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. Reg'n v. Tommy O. Roberts II and Sequoyah County Abstract & Title Inc.,* No. 11-0028 DI (Mo. Admin. Hrg. Comm'n November 18, 2011).

Conclusions of Law

12. Pursuant to § 375.141 RSMo (Supp. 2010) and § 621.110 RSMo 2000, the Director has the discretion to discipline Roberts' insurance producer license and Sequoyah's business entity insurance producer license, including the discretion to revoke such licenses.

13. Based on the nature and severity of the aforementioned conduct, sufficient grounds exist for revoking the insurance producer license of Roberts pursuant to §§ 375.141.1(2) and (8).

14. Based on the nature and severity of the aforementioned conduct, sufficient grounds exist for revoking the business entity insurance producer license of Sequoyah pursuant to §§ 375.141.1(2), (8), and 375.141.3.

ORDER

Based on the foregoing findings and conclusions, the insurance producer license of Tommy O. Roberts II (License No. 360692) and the business entity insurance producer license of Sequoyah County Abstract and Title Inc. (License No. 8013683) are hereby revoked.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 14th DAY OF FEBRUARY, 2012.

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

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of February, 2012, a copy of the foregoing Findings of Fact, Conclusions of Law and Order of Discipline, was served by regular mail and certified mail, No. 7009 3410 0000 8931 2585, to the following address:

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