



**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION**

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

**In the Matter of:**

**NICKY J. ROOT,**

**Respondent.**

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**Case No. 12-0723476C**

**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 legal counsel Mary S. Erickson, and Respondent Nicky J. Root have reached a settlement in this matter and have consented to the issuance of this Consent Order.

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department") whose duties, pursuant to Chapters 374 and 375, RSMo,<sup>1</sup> include supervision, regulation, and discipline of insurance producers authorized to conduct business in the state of Missouri.

2. The Consumer Affairs Division ("Division") of the Department has the duty of conducting investigations into the unfair or unlawful acts of insurance producers and companies

<sup>1</sup> All statutory references are to the 2011 Supplement to the Revised Statutes of Missouri unless otherwise noted.

under the insurance laws of this state and is authorized to initiate actions before the Director to enforce the insurance laws of this state.

3. The Department issued Respondent Nicky J. Root ("Root") an insurance producer license (No. 8040393) on December 3, 2009. The Department subsequently renewed Root's insurance producer license. Root's insurance producer license will expire December 3, 2013.

4. On or about October 3, 2011, the Department received an electronic non-resident insurance producer license renewal application ("Application") from Root.

5. In the section of the Application headed "Background Questions," Background Question # 2 asks "Have you been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration, which has not been previously reported to this state?"

6. Root answered "No" to Background Question # 2.

7. On September 10, 2010, the Louisiana Department of Insurance sent Root a letter revoking his Health & Accident Producer license.

8. On March 25, 2011, the Commonwealth of Virginia, State Corporation Commission issued an Order Revoking License in Case No. INS-2011-00043, revoking Root's license to transact the business of insurance as an insurance agent.

9. On April 4, 2011, the Utah Insurance Department issued an Order in Case No. 2011-031LC, requiring Root to pay an administrative forfeiture of \$500.00 and to respond to the Commissioner's inquiries within ten days of the Order. On April 26, 2011, the Utah Insurance Department received a check from Root for \$500.00, in satisfaction of the administrative forfeiture.

10. On May 16, 2011, the South Dakota Department of Labor and Regulation, Division of Insurance, issued an Order in Case No. INS 11-05, revoking Root's Insurance Producer License.

11. On September 8, 2011, the State of New Hampshire Insurance Department issued a Consent Order and Settlement Agreement in Case No. INS 11-012-EP, ordering Root to pay \$250.00 and to comply with all insurance laws of the State of New Hampshire. On or about September 1, 2011, Root sent a check to the Treasurer of the State of New Hampshire for \$250.00, in satisfaction of the Consent Order and Settlement Agreement.

12. On November 14, 2011, the State of Maine Department of Professional and Financial Regulation, Bureau of Insurance revoked Root's nonresident insurance producer license in Case No. INS-11-226.

13. On March 13, 2012, the State of Washington Office of Insurance Commissioner revoked Root's insurance producer license in Order No. 12-0048.

14. Contrary to his answer, Root was the target of five administrative proceedings brought by the insurance departments in the states of Louisiana, Virginia, South Dakota, New Hampshire and Utah, all of which occurred prior to Root's Application and were not previously reported by Root. This constitutes grounds for discipline of Root's insurance producer license pursuant to § 375.141.1(1) for intentionally provided materially incorrect, misleading, incomplete or untrue information in his Application.

15. Root attempted to obtain a license through material misrepresentation or fraud by failing to report the five administrative proceedings brought against him prior to his Application. This constitutes grounds for discipline of Root's insurance producer license pursuant to § 375.141.1(3).

16. The insurance departments of Louisiana, Virginia, South Dakota, Maine, and Washington revoked Root's insurance producer license, or its equivalent. Each revocation constitutes grounds for discipline of Root's insurance producer license pursuant to § 375.141.1(9).

17. Root failed to report the administrative actions taken by Louisiana, Virginia, South Dakota, New Hampshire, Utah, Maine, and Washington within 30 days of their final disposition, in violation of § 375.141.6. Each failure to report constitutes grounds for discipline of Root's insurance producer license pursuant to § 375.141.1(2)

18. On September 13, 2012, counsel for the Division provided a written description of the specific conduct for which discipline was sought and a citation to the law and rules allegedly violated, together with copies of any documents upon which it based the allegations, and the Division's settlement offer, namely, this Consent Order, in accordance with § 621.045.4(1).

19. Root admits, acknowledges, and understands that under § 375.141.1(1), (2), (3), and (9), the Director may discipline Root's insurance producer license.

20. Root acknowledges and understands that he has the right to consult counsel at his own expense.

21. Root has been advised that he may, either at the time the Consent Order is signed by all parties, or within 15 days thereafter, submit the Consent Order to the Administrative Hearing Commission for a determination that the facts agreed to by the parties to the Consent Order constitute grounds for discipline of Root's insurance producer license.

22. Except as provided in paragraph 21 above, Root stipulates and agrees to waive any waivable rights that he may have to a hearing before the Administrative Hearing Commission or the Director and any rights to seek judicial review or other challenge or contest

of the terms and conditions of this Consent Order and forever releases and holds harmless the Department, the Director and his agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

23. 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.

**Conclusions of Law**

24. The actions admitted by Root are grounds to discipline Root's insurance producer license pursuant to §375.141.1(1), (2), (3), and (9).

25. The Director may enter orders in the public interest under §374.046.

26. 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 Nicky J. Root's insurance producer license (No. 8040393) is hereby REVOKED.

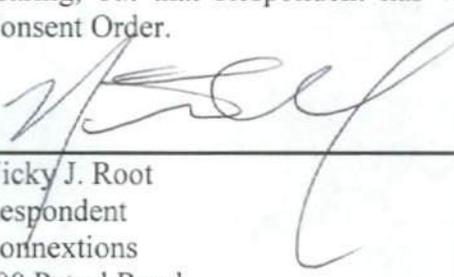
SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 31<sup>ST</sup> DAY OF OCTOBER, 2012.



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

CONSENT AND WAIVER OF HEARING

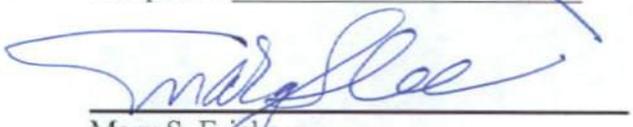
The undersigned persons understand and acknowledge that Respondent has a right to a hearing, but that Respondent has waived the hearing and consented to the issuance of this Consent Order.

  
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Nicky J. Root  
Respondent  
Connexions  
200 Patrol Road  
Jeffersonville, Indiana 47130  
Telephone: (812) 258-3550

10-23-12  
Date

\_\_\_\_\_  
Counsel for Respondent  
Name: \_\_\_\_\_  
Missouri Bar No. \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
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Date