DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In re:	)	
	)	
GULZAR SUTERIA,	)	**Case No. 140929679C**
	)	
Respondent.	)	

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, Tammy S. Kearns, and Respondent Gulzar Suteria 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 ("Department") whose duties, pursuant to Chapters 374 and 375 RSMo,[1] include supervision, regulation, and discipline of insurance producers.

[1] All civil statutory references are to the Revised Statues of Missouri (2000) as updated by the 2013 Supplement unless otherwise noted.

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 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 Department issued Gulzar Suteria ("Suteria") an individual non-resident insurance producer license (License No. 8285108) on February 1, 2013.

4. On February 1, 2015, Suteria's individual non-resident insurance producer license expired.

5. The Division seeks to discipline Suteria's individual non-resident insurance producer license and alleges the following:

a. On July 22, 2013, the Department received a letter from New York Life Insurance Company ("New York Life") that stated it had permitted Suteria to resign, effective June 18, 2013, after she admitted that she impersonated five (5) proposed insureds during telephone interviews with New York Life underwriting personnel. The purpose of the telephone interviews was to confirm customer information provided on applications for life insurance policies.

b. New York Life attached to its letter a signed handwritten statement by Suteria dated June 18, 2013 in which she stated, "I used both my cell phone and home phone to complete telephone inspection reports for 5 clients[.]"

c. On August 9, 2013, Special Investigator Dennis Fitzpatrick of the Division mailed an inquiry letter to Suteria, requesting a detailed explanation regarding New York Life's correspondence and including a copy of said correspondence. The inquiry letter stated that Suteria's response was due twenty (20)

calendar days from the postmark of the letter or on August 30, 2013. The inquiry letter further warned that a failure to respond could result in disciplinary action by the Department.

d. The United States Postal Service did not return the August 9, 2013 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Suteria.

e. Suteria failed to provide a response to the Division's August 9, 2013 inquiry letter by August 30, 2013, and failed to provide a reasonable justification for the delay.

f. On August 30, 2013, Special Investigator Fitzpatrick mailed a second inquiry letter to Suteria, again requesting a detailed explanation regarding New York Life's correspondence and including a copy of said correspondence. The inquiry letter stated that Suteria's response was due twenty (20) calendar days from the postmark of the letter or on September 20, 2013. The inquiry letter further warned that a failure to respond could result in disciplinary action by the Department.

g. On September 26, 2013, Suteria emailed Special Investigator Fitzpatrick and stated the email was "to explain the wrong doing from my part for calling on behalf of the clients. My intentions was to provide the services to those clients but unfortunately that was against [New York Life]'s compliance. I am new into this business and did not understand the correct rules of Conduct and made this mistake."

h. On September 24, 2013, the Kansas Insurance Department ("Kansas") entered a Summary Order ("Kansas Order") against Suteria revoking her non-resident insurance agent's license.

i. Kansas found that Suteria "repeatedly committed an insurance unfair trade practice by making false or fraudulent representations relative to applications for insurance for the purpose of obtaining compensation or other benefit" and that those "same practices constitute[d] a fraudulent and dishonest practice."

ii. The Kansas Order notified Suteria that she may make a written application for a hearing within fifteen (15) days of the date of service of the Kansas Order.

iii. Suteria failed to make a written application for a hearing. Therefore, the Kansas Order became final on October 15, 2013.

In the Matter of the Kansas Nonresident Insurance Agent's License of Gulzar Suteria, NPN 16820549, Docket No. 4605-SO.

i. Suteria did not report the Kansas Order to the Department within thirty (30) days of the final disposition of the matter.

j. On November 6, 2014, the Illinois Department of Insurance ("Illinois") entered an Order ("Illinois Order") against Suteria revoking her resident insurance producer license.

i. Illinois found that Suteria's "conduct in identifying herself as other individuals is plainly untrustworthy" and that "[i]t is not conduct for

which one should need training, orientation, or experience to identify as untrustworthy."

ii. The Illinois Order notified Suteria that she may file an appeal within thirty-five (35) days of the date of service of the Illinois Order.

iii. Suteria failed to appeal the Illinois Order. Therefore, the Illinois Order became final on December 11, 2014.

In the Matter of the Revocation of the Licensing Authority of: Gulzar Suteria, Hearing No. 14-HR-0534.

k. Suteria did not report the Illinois Order to the Department within thirty (30) days of the final disposition of the matter.

6. In light of these facts, Suteria's individual non-resident insurance producer license is subject to discipline pursuant to:

a. Section 375.141.1(2) because Suteria, in connection with the offer, sale, solicitation or negotiation of insurance, made or used a misrepresentation, concealment, or suppression of a material fact by impersonating five (5) proposed insureds, thereby violating § 375.144(2), an insurance law.

b. Section 375.141.1(2) because Suteria failed to report to the Director the administrative actions taken against her in Kansas and Illinois within thirty (30) days of the final disposition of the matters, thereby violating § 375.141.6, an insurance law.

c. Section 375.141.1(2) because Suteria failed to respond to the Division's August 9, 2013 inquiry letter and failed to demonstrate a reasonable justification for the delay, thereby violating 20 CSR 100-4.100(2)(A), an insurance regulation.

d. Section 375.141.1(7) because Suteria has been found to have committed an insurance unfair trade practice when Kansas found, as evidenced by the Kansas Order, that Suteria "repeatedly committed an insurance unfair trade practice by making false or fraudulent representations relative to applications for insurance for the purpose of obtaining compensation or other benefit."

e. Section 375.141.1(8) because Suteria used fraudulent or dishonest practices or demonstrated incompetence or untrustworthiness in the conduct of business in this state or elsewhere when she impersonated five (5) proposed insureds during telephone interviews with New York Life's underwriting personnel.

f. Section 375.141.1(9) because Suteria had an insurance producer license, or its equivalent, revoked in Kansas and Illinois.

7. Suteria agrees that the facts contained in this Consent Order constitute grounds to discipline her individual non-resident insurance producer license pursuant to § 375.141.1(2), (7), (8), and (9).

8. Suteria and the Division desire to settle the allegations raised by the Division.

9. Suteria stipulates and agrees to waive any rights that she 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 release and hold harmless the Department, the Director, his agents, and the Division from all liability and claims arising out of, pertaining to, or relating to this matter.

10. Suteria acknowledges and understands that she has the right to consult an attorney at her own expense.

11. Suteria acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Suteria further acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications in this state and in other jurisdictions and that it is her responsibility to comply with the reporting requirements of each state in which she is licensed.

12. 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

13. 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;
>
> * * *
>
> (7) Having admitted or been found to have committed any insurance unfair trade practice or fraud;
>
> (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere; [or]

(9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory[.]

* * *

4. The director may also revoke or suspend pursuant to subsection 1 of this section any license issued by the director where the licensee has failed to renew or has surrendered such license.

* * *

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.

14. Section 375.144 provides, in relevant part:

It is unlawful for any person, in connection with the offer, sale, solicitation or negotiation of insurance, directly or indirectly, to:

* * *

(2) As to any material fact, make or use any misrepresentation, concealment, or suppression[.]

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

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.

16. The allegations raised by the Division, and admitted to herein by Suteria, are grounds to discipline Suteria's individual non-resident insurance producer license pursuant to § 375.141.1(2), (7), (8), and (9).

17. The expiration of Suteria's individual non-resident insurance producer license does not deprive the Director of jurisdiction to discipline Suteria's license. Section 375.141.4.

18. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to §§ 374.046, 536.060, and 621.045.

19. 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 Gulzar Suteria's individual non-resident insurance producer license (License No. 8285108) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 24 DAY OF April, 2015.

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 Gulzar Suteria has a right to a hearing, but that Gulzar Suteria waived the hearing and consented to the issuance of this Consent Order.

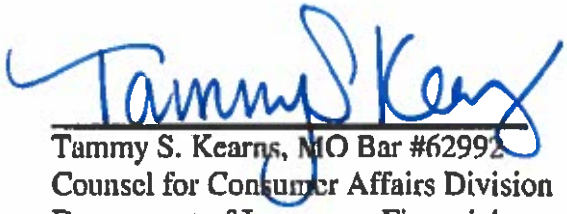
04/20/15

Gulzar Suteria
6611 North Trumbull Avenue
Lincolnwood, Illinois 60712
Telephone: (847) 675-1233
Respondent

Date

Counsel for Respondent
Name: _____
Bar No. _____
Address: _____
_____
Phone: _____
Fax: _____

Date



4/21/15

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