State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
TODD ERIC GREER,	)	**Case No. 150224129C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On March 17, 2015, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a non-resident insurance producer license to Todd Eric Greer. After reviewing the Petition, Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and Order:

FINDINGS OF FACT

1. Todd Eric Greer ("Greer") is a Michigan resident with a residential address of 21920 Ridgedale Street, Oak Park, Michigan 48237-2797, and a business and mailing address of 29777 Telegraph Road, Suite 2355, Southfield, Michigan 48034-7651.

2. On November 17, 2014, the Department of Insurance, Financial Institutions and Professional Registration ("Department") electronically received Greer's Uniform Application for Individual Producer License/Registration ("November 2014 Application").

3. Greer answered "Yes" and "Federal Government/IRS" to Background Information Question 4 of the November 2014 Application, which asked:

> Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?
>
> If you answer yes, identify the jurisdiction(s): _____

4. On April 12, 2013, the Internal Revenue Service, by its Revenue Officer Veronica L. Yanish, filed a Notice of Federal Tax Lien, filing number 0108967, with the Oakland County, Michigan Register of Deeds. The document provided that income "taxes (including interest and penalties) have been assessed against" Greer in the amount of $7,077.00 for tax years 2006, 2008, 2009, and 2010, and that the Internal Revenue Service has "made a demand for payment of this liability, but it remains unpaid."

5. On April 12, 2013, the Internal Revenue Service, by its Revenue Officer Veronica L. Yanish, also filed a second Notice of Federal Tax Lien, filing number 0109013, with the Oakland County, Michigan Register of Deeds. It additionally provided that income "taxes (including interest and penalties) have been assessed against" Greer in the amount of $2,218.00 for tax year 2010, and that the Internal Revenue Service has "made a demand for payment of this liability, but it remains unpaid."

6. On November 25, 2014, Special Investigator Marjorie Thompson, with the Consumer Affairs Division of the Department ("Special Investigator Thompson" of the "Division"), mailed Greer an inquiry letter by first-class mail, postage prepaid ("first inquiry letter"), asking him to "provide documentation with regard to" the tax liabilities, including "How much is still due? When will you have the amount paid in full? What payments have been made to date?"

7. The first inquiry letter was mailed to the business and mailing address Greer provided on his November 2014 Application, and advised Greer that "[p]ursuant to 20 CSR 100-4.100(2)(A), your response is due twenty days from the postmark of this letter, or by December 15, 2014."

8. The first inquiry letter was not returned to Special Investigator Thompson or the Division as undeliverable; therefore, Greer is presumed to have received it.

9. The Division has received no correspondence or communication from Greer regarding the first inquiry letter, nor has Greer demonstrated a reasonable justification for the failure to respond.

10. On January 2, 2015, Special Investigator Thompson mailed Greer another inquiry letter by first-class mail, postage prepaid ("second inquiry letter"), requesting the same information as the first inquiry letter.

11. The second inquiry letter was mailed to the residential address Greer provided on his November 2014 Application, and advised Greer that "[p]ursuant to 20 CSR 100-4.100(2)(A), your response is due twenty days from the postmark of this letter, or by January 22, 2015."

12. The second inquiry letter was not returned to Special Investigator Thompson or the Division as undeliverable; therefore, Greer is presumed to have received it.

13. The Division has received no correspondence or communication from Greer regarding the second inquiry letter, nor has Greer demonstrated a reasonable justification for the failure to respond.

CONCLUSIONS OF LAW

14. Section 375.141.1, RSMo (Supp. 2013),[1] provides, in relevant part:

> 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; [or]
>
> * * *
>
> (14) Failing to comply with any administrative or court order directing payment of state or federal income tax.

15. Title 20 CSR 100-4.100(2)(A) 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. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. E.D. 2000) (internal citation omitted).

17. "The principal purpose of § 375.141 is not to punish licensees or applicants, but to protect the public." *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

18. The Director may refuse to issue Greer a non-resident insurance producer license pursuant to § 375.141.1(2) because Greer has twice violated a regulation of the Director, specifically 20 CSR 100-4.100(2)(A), by not mailing timely and adequate responses to two Division inquiry letters, and not demonstrating any reasonable justification for the failures to respond.

19. Each violation of a regulation of the Director constitutes a separate and sufficient cause for refusal pursuant to § 375.141.1(2).

---

[1] All statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 RSMo Supplement, unless otherwise noted.

20. The Director may refuse to issue Greer a non-resident insurance producer license pursuant to § 375.141.1(14) because Greer has failed to comply with administrative or court orders directing payment of federal income taxes, as evinced by two Notices of Federal Tax Lien filed with the Oakland County, Michigan Register of Deeds on April 12, 2013.

21. Each failure to comply with an administrative or court order directing payment of federal income tax constitutes a separate and sufficient cause for refusal pursuant to § 375.141.1(14).

22. The Director has considered Greer's history and all of the circumstances surrounding Greer's November 2014 Application. Issuing Greer a non-resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue Greer a non-resident insurance producer license.

23. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the November 17, 2014 non-resident insurance producer license application of **Todd Eric Greer** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 17th **DAY OF** March**, 2015.**

JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

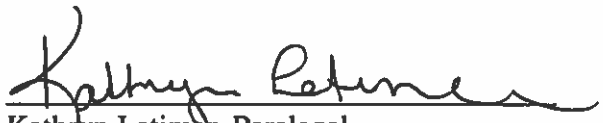
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of March, 2015, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Todd Eric Greer
29777 Telegraph Road, Suite 2355
Southfield, Michigan 48034-7651

No. 1Z0R15W84290772369



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov