

BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
MAR 26 2007
ADMINISTRATIVE HEARING
COMMISSION

DOUGLAS M. OMMEN, Director)
Department of Insurance, Financial)
Institutions & Professional Registration)
State of Missouri,)

Petitioner,)

vs.)

Case No.: 070122098C

NORVEL E. BROWN)

&)

MISSISSIPPI VALLEY TITLE, INC.)

Respondents.)

Serve:)

1014 Grandview Drive)
Kirkwood, Missouri 63122)
(314) 965-2191)

or,)

1371 McNutt School Road)
Herculaneum, Missouri 63048)
(636) 931-9995)

COMPLAINT

DOUGLAS M. OMMEN, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondents Norvel E. Brown and Mississippi Valley Title, Inc., because:

INFORMATION RELEVANT TO ALL COUNTS

1. Petitioner is the Director of the Department of Insurance, Financial Institutions and Professional Registration (“the Director”). The Director has the duty to administer Chapters 374, 375, and 381, RSMo, which includes the supervision, regulation, and discipline of title insurers, their agents and agencies licensed to operate and conduct business in the state of Missouri.
2. The Missouri Department of Insurance, Financial Institutions and Professional Registration (“the Department”) issued Norvel E. Brown (“Respondent Brown”) an insurance producer license which is currently inactive because it expired on March 6, 2006 and was not renewed. (License Number PR178939).
3. The Department issued Mississippi Valley Title, Inc. (“Respondent MVT”) a business entity producer license. (License Number AG8008760). Such license is currently inactive because it expired on May 13, 2005 and was not renewed. Respondent MVT is a corporation registered with the Missouri Secretary of State (Charter Number 00467492). Respondent Brown is Respondent MVT’s registered agent and company President.
4. At all times relevant herein, Respondent Brown was the sole officer and/or owner of Respondent MVT.
5. The Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (Supp. 2006).

COUNT I

6. Respondent Brown pled guilty to a felony or crime of moral turpitude, a ground for discipline of Respondent Brown’s insurance producer license and Respondent MVT’s business entity producer license pursuant to § 375.141.1(6), RSMo (Supp. 2006).
7. The facts are as follows:

a. On or about February 5, 2007, in the United States District Court, Eastern District of Missouri, Respondent Brown admitted to knowingly violating Title 18, United States Code, Section 1343, wire fraud, the elements of which are as follows:

- i. Defendant devised and intended to devise a scheme and artifice to defraud and to obtain money by means of false and fraudulent pretenses, representations and promises;
- ii. Defendant transmitted and caused to be transmitted in interstate commerce, certain signs, signals and sounds by means of a wire communication; and
- iii. Defendant did so for the purposes of executing the scheme and artifice to defraud.

b. On or about February 5, 2007, in the United States District Court, Eastern District of Missouri, Respondent Brown also admitted to knowingly violating Title 18, United States Code, Section 664, theft from an employee benefit plan, the elements of which are as follows:

- i. Respondent MVT's 401(k) Profit Sharing Plan was an employee benefit plan within the meaning of ERISA (Employee Retirement Income Security Act);
- ii. Defendant converted to his own use or the use of another the funds of the plan; and
- iii. Defendant did so unlawfully and willfully.

c. At the time of the foregoing actions, Respondent Brown's violations of 18 U.S.C. 1343 and 18 U.S.C. 664 and were felonies and/or constituted crimes involving moral turpitude.

8. As a result, sufficient grounds exist for disciplining Respondent Brown's insurance producer license and Respondent MVT's business entity producer license pursuant to §375.141.1(6), RSMo (Supp. 2006).

COUNT II

9. Respondent Brown and Respondent MVT have violated provisions or obligations imposed by the laws of this state, a ground for discipline of Respondent Brown's insurance producer license and Respondent MVT's business entity producer license pursuant to §374.755.1(6), RSMo (Supp. 2006).

10. The facts are as follows:

a. Petitioner realleges and expressly incorporates the allegations contained in paragraphs 1 – 7 of this Complaint.

11. As a result, sufficient grounds exist for disciplining Respondent Brown's insurance producer license and Respondent MVT's business entity producer license pursuant to §374.755.1(6), RSMo (Supp. 2006).

COUNT III

12. Respondent Brown in his dealings as an insurance producer and as President of Respondent MVT has demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state, a ground for discipline pursuant to § 375.141.1(8), RSMo (Supp. 2006).

13. The facts are as follows:
- a. Petitioner realleges and expressly incorporates the allegations contained in paragraphs 1 - 10 of this Complaint.
14. As a result, sufficient grounds exist for disciplining Respondent Brown's insurance producer license and Respondent MVT's business entity producer license pursuant to §375.141.1(8), RSMo (Supp. 2006).

WHEREFORE, based on the foregoing, Petitioner respectfully requests that the Commission make findings of fact and conclusions of law stating that Petitioner has established cause to discipline Respondent Brown's insurance producer license and Respondent MVT's business entity producer license pursuant to §§ 375.141.1(6) and 375.141.1(8), RSMo (Supp. 2006).

Respectfully submitted,



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