



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)
)
 BARRY MICHAEL WELPER,) Case No. 2303300462C
)
 Renewal Applicant.)

**ORDER REFUSING TO RENEW NON-RESIDENT INSURANCE PRODUCER
LICENSE**

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up this matter for consideration and disposition. After reviewing the Petition and the Investigative Report, the Director issues these findings of fact, conclusions of law, and order:

FINDINGS OF FACTS

1. Barry Michael Welper (“Welper”) is a resident of the state of Illinois with a reported residential and mailing address of 605 Woodbridge Drive, Quincy, Illinois 62301. His reported business address is 704 Ridgewood Drive, Quincy, Illinois 62301. His reported email address is bwelper@hlia.net.
2. On or about September 28, 2020, the Department of Commerce and Insurance (“Department”) received Welper’s electronic application seeking renewal of a non-resident insurance producer license (“2020 Application”).
3. Background Question No. 1B on his 2020 Application states:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department? You may

exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)

4. The Attestation Section provides in pertinent part:

1: I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

5. Welper certified and attested to the accuracy of his 2020 Application.

6. Welper answered “No” to Background Question No. 1B on his 2020 Application.

7. On November 1, 2020, the Department renewed Welper’s non-resident insurance producer license.

8. On or about February 28, 2023, the Department received Welper’s electronic application seeking the renewal of his non-resident insurance producer license (“2023 Application”).

9. Background Question No. 1B on his 2023 Application states:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)

10. Welper answered “Yes” to Background Question No. 1B on his 2023 Application.

11. On March 1, 2023, Welper provided a page from the Madison, Illinois circuit court, an October 19, 2022, letter to Welper from a law firm and a copy of an Appearance Bond.

12. On March 8, 2023, Angie Gross, Special Investigator (“Gross”) with the Department’s Consumer Affairs Division (“Division”) sent Welper an email informing him that she had been assigned to investigate his 2023 Application and that the Department needed certain items before it could complete the review of his 2023 Application, including certified copies of the court records documenting his criminal history.

13. In response, on March 8, 2023, Welper provided certain, uncertified, copies of some of the court records outlining Welper's criminal history. The documents provided showed that on January 31, 2019, Welper was charged with Aggravated Driving While Under the Influence, in violation of 625 ILCS 5/11-501(a)¹, a class 4 felony (Count I); and Aggravated Reckless Driving, a class 4 felony, in violation of 625 ILCS 5/11-503(a)(1) (Count II), as the result of an incident that occurred on or about September 4, 2018. According to the Information filed by the Madison County, Illinois State's Attorney, Welper was involved in an automobile accident that resulted in great bodily harm to the passenger in the automobile Welper was driving. *People of the State of Illinois v. Barry M. Welper*, Madison Cty. Cir. Ct., Illinois, Case No. 19-CF-349.
14. The documents also showed that on October 17, 2022, Welper pled guilty to Count I, Aggravated Driving While Under the Influence, a class 4 felony. The Madison County, Illinois court accepted Welper's guilty plea, found him guilty and sentenced him to probation for a period of thirty months, subject to a Court Order of Probation. The court dismissed Count II pursuant to a plea agreement. The documents further showed that Welper remains on probation and is being supervised by the Madison County, Illinois Probation Department. *Id.*
15. On March 21, 2023, Welper provided certified copies of the court records to Gross documenting his criminal history.
16. Gross additionally requested in a second March 8, 2023, email that Welper explain why he had not reported the January 31, 2019, felony charge to the Department as required by § 375.141.7.² In a third March 8, 2023, email, Gross asked that Welper explain why he had not disclosed the January 31, 2019, felony charge on his 2020 Application.
17. Welper did not disclose the January 31, 2019, felony charge on his 2020 Application.
18. It is inferable, and hereby found as fact, that Welper did not disclose the January 31, 2019, felony charge on his 2020 Application in order to induce the Director to renew Welper's insurance producer license.

¹ All citations to the criminal statutes of Illinois are to the version in effect at the time of the violation of the law.

² All Missouri civil citations are to the 2016 Revised Statutes of Missouri unless otherwise noted.

CONCLUSIONS OF LAW

19. Section 375.141 states, 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:

(1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud; [or]

(6) Having been convicted of a felony or crime involving moral turpitude[.]

7. Within thirty days of the initial pretrial hearing date, a producer shall report to the director any criminal prosecution for a felony or a crime involving moral turpitude of the producer taken in any jurisdiction. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant legal documents.

20. The Director may refuse to renew Welper's non-resident insurance producer license pursuant to § 375.141.1(1) because he failed to disclose his felony charge on his 2020 Application. *People of the State of Illinois v. Barry M. Welper*, Madison Cty. Cir. Ct., Illinois, Case No. 19-CF-349.

21. The Director may refuse to renew Welper's non-resident insurance producer license pursuant to § 375.141.1(2) because he failed to disclose the January 31, 2019, felony charge within thirty days of the initial pretrial hearing date in violation of § 375.141.7. In fact, Welper did not disclose his January 31, 2019 felony charge or his October 17, 2022, felony conviction to the Department until he submitted his 2023 Application on or about February 28, 2023.

22. The Director may refuse to renew Welper's non-resident insurance producer license pursuant to § 375.141.1(3) because he obtained a license through a material misrepresentation. Welper answered "No" to Background Question No. 1B on his

2020 Application despite the fact that he had a felony charge pending, which he had not previously reported to the Department.

23. The Director may refuse to renew Welper's non-resident insurance producer license pursuant to § 375.141.1(6) because Welper has been convicted of a felony.
24. The Director may refuse to renew Welper's non-resident insurance producer license pursuant to § 375.141.1(6) because Welper has been convicted of a crime involving moral turpitude. Welper drove drunk and crashed, resulting in great bodily harm to his passenger.
25. Accordingly, and for all of the reasons given in the Petition, the Director has considered Welper's history and all of the circumstances surrounding Welper's 2023 and 2020 Applications and is exercising her discretion to refuse Welper's 2023 Application for renewal of an insurance producer license.
26. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license renewal application of **Barry M. Welper** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 07th **DAY OF** June, 2023.



Chlora Lindley-Myers
CHLORA LINDLEY-MYERS
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.

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2023, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by UPS, signature required, at the following address:

Barry M. Welper
605 Woodbridge Drive
Quincy, Illinois 62301

Tracking No. 1Z0R15W84290139991



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