



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

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

In re:

JOHN WILLIAM PRIBIL,

Respondent.

)
)
)
)
)

Case No. 131120589C

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 John William Pribil 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.

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

¹ All statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

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 John William Pribil ("Pribil") a non-resident insurance producer license (License No. 0426220) on October 7, 2008, which he subsequently renewed, and which is set to expire on October 7, 2014.

4. Pribil was employed by Golden Rule Insurance Company ("Golden Rule") until his termination for cause on or about June 21, 2013.

5. Pribil submitted an application for appointment to Golden Rule on or about June 1, 2013, using a social security number ending in 3221. Pribil had used a social security number ending in 5401 in a prior appointment application that he had submitted to Golden Rule.

6. As a result, Golden Rule Special Investigations Department Manager David Grannan ("Grannan") conducted an investigation and found that the social security number ending in 3221 was found to belong to Heather Welch, a 32 year old female from Florida.

7. On June 3, 2013, Grannan called Pribil and asked about the social security number. Pribil stated that he "made a mistake and wasn't supposed to put that on there" and characterized his actions as "incompetent or...not paying attention."

8. On June 4, 2013, Grannan called Pribil a second time to ask for more information. Pribil explained that he "paid somebody money to... fix my credit and he told me that... for \$400 more that he could get me an additional social and that was the reason why I... put it on the application."

9. On June 21, 2013, Golden Rule sent a letter to Pribil notifying him that his appointment with Golden Rule was terminated for cause effective immediately.

10. On June 26, 2013, Golden Rule sent a letter to the Department to notify the Department that it had terminated Pribil's employment for cause.

11. On September 4, 2013, Special Investigator E.J. Jackson ("Special Investigator Jackson"), of the Division, sent an inquiry letter to Pribil, requesting a detailed response regarding his alleged fraudulent use of a social security number on his application for appointment.

12. In response, Pribil sent a letter stating, in part, that he "used a new social security number [he] obtained in 2012 with the assistance of a credit repair company," he did not "have any thoughts of misleading or trying to commit any insurance fraud," and "that this is a case of being misinformed and not by any means of [his] attempting to defraud or misrepresent any carrier or state agency."

13. During its investigation, the Division discovered the following administrative actions taken against Pribil:

a. The Kansas Insurance Department ("Kansas") entered a Summary Order on August 27, 2013 that revoked Pribil's Kansas non-resident insurance agent's license. *In the Matter of the Kansas Nonresident Insurance Agent's License of John William Pribil, NPN 10162238, Docket No. 4597-SO.*

i. In its Summary Order, Kansas notified Pribil that he may submit a written request for a hearing within fifteen (15) days of the date of service and that "[i]f a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing." *Id.*

ii. Pribil did not submit a written request for a hearing within fifteen (15) days of Kansas's Summary Order and therefore it became effective on September 16, 2013.

iii. Pribil did not report the administrative action taken against him by Kansas to the Department within thirty (30) days of the final disposition of the matter.

b. The Kentucky Department of Insurance ("Kentucky") entered an Order of Revocation on September 20, 2013 that revoked Pribil's Kentucky non-resident insurance agent license. *In the Matter of: John William Pribil, DOI No.: 716368, File No.: 2013-0239.*

i. In its Order of Revocation, Kentucky notified Pribil that his "license termination is effective upon the execution of this order," but that he may submit a written application for a hearing within sixty (60) days. *Id.*

ii. Pribil did not submit a written application for a hearing within sixty (60) days of Kentucky's Order of Revocation and therefore it became effective on September 20, 2013.

iii. Pribil did not report the administrative action taken against him by Kentucky to the Department within thirty (30) days of the final disposition of the matter.

c. The Arkansas Insurance Department ("Arkansas") entered a Revocation Order on December 3, 2013 that revoked Pribil's Arkansas non-resident insurance producer license. *Arkansas Insurance Department v. John William Pribil, A.I.D. No. 2013-113.*

i. The Arkansas Insurance Commissioner adopted the Revocation Order and it became effective on December 3, 2013.

ii. Pribil did not report the administrative action taken against him by Arkansas to the Department within thirty (30) days of the final disposition of the matter.

d. The Illinois Department of Insurance ("Illinois") entered an Order of Revocation on November 21, 2013 that revoked Pribil's Illinois non-resident insurance producer license and fined Pribil \$5,000.00. *In the Matter of the Revocation of Licensing Authority of: John Pribil.*

i. In its Order of Revocation, Illinois notified Pribil that "the Order of Revocation shall take effect 30 days from the date of mailing" but would be stayed if a hearing was requested within the thirty (30) day period. *Id.*

ii. Pribil did not submit a written request for a hearing within thirty (30) days of Illinois's Order of Revocation and therefore it became effective on December 21, 2013.

iii. Pribil did not report the administrative action taken against him by Illinois to the Department within thirty (30) days of the final disposition of the matter.

e. The Maine Bureau of Insurance ("Maine") entered a License Revocation Notice, Order, and Opportunity for Hearing on December 4, 2013 that notified Pribil that his Maine insurance producer license would be revoked as of January 10, 2014 unless Pribil requested a hearing in writing. *In re: John William Pribil*, Maine License No. PRN171576, National Producer License No. 10162238, Docket No. INS-13-213.

i. Pribil did not submit a written request for a hearing by January 10, 2014 or within thirty (30) days from the time he knew or reasonably should have known of the intended revocation of his license, and therefore it became final.

ii. Pribil did not report the administrative action taken against him by Maine to the Department within thirty (30) days of the final disposition of the matter.

f. The Texas Department of Insurance ("Texas") entered a Default Judgment against Pribil on January 22, 2014 that revoked Pribil's Texas non-resident insurance producer license after Pribil failed to file a written response to Texas's notice of hearing. *Subject Considered: John William Pribil, Default Order, SOAH Docket No. 454-14-1438.C, TDI Enforcement File No. 5727.*

i. Pribil did not report the administrative action taken against him by Texas to the Department within thirty (30) days of the final disposition of the matter.

g. The West Virginia Insurance Commission ("West Virginia") held a hearing on November 21, 2013 concerning the revocation of Pribil's non-resident insurance producer license. Pribil did not attend the hearing on November 21, 2013. *In Re: John William Pribil, 13-AP-PRLC-02100.*

i. The West Virginia Insurance Commissioner adopted and approved the recommendation of the Hearing Examiner and entered a Final Order that revoked Pribil's West Virginia non-resident insurance producer license effective January 24, 2014 and fined Pribil \$500.00. *Id.*

ii. Pribil did not report the administrative action taken against him by West Virginia to the Department within thirty (30) days of the final disposition of the matter.

h. The Louisiana Department of Insurance (“Louisiana”) entered a Notice of Regulatory Action on February 14, 2014 that revoked Pribil’s insurance producer license after Pribil failed to respond to Louisiana’s Notice of Proposed Regulatory Action within thirty (30) days. *Notice of Regulatory Action for John W. Pribil, Revocation of Producer License, Producer License No. 10162238.*

i. In its Notice of Revocation, Louisiana notified Pribil that he may submit a written demand for appeal “within thirty (30) days from the date of this Notice” and that failure “to file a written demand for an appeal with thirty (30) days from the date on this Notice will preclude [the] right to an administrative hearing before the Division of Administrative law.” *Id.*

ii. Pribil did not submit a written request for a hearing within thirty (30) days from the date of the notice, and therefore it became final on February 14, 2014.

iii. Pribil did not report the administrative action taken against him by Louisiana to the Department within thirty (30) days of the final disposition of the matter.

i. The North Carolina Department of Insurance (“North Carolina”) and Pribil entered into a Voluntary Surrender of License on February 13, 2014 in which Pribil surrendered his North Carolina non-resident insurance producer license.

i. Pribil did not report the administrative action taken against him by North Carolina to the Department within thirty (30) days of the final disposition of the matter.

j. The California Department of Insurance (“California”) entered an Order of Summary Revocation on January 28, 2014 that revoked Pribil’s California non-resident insurance producer license. *In the Matter of the License and Licensing Rights of: John William Pribil*, File No. LCB 1407-AP(AR).

i. In its Order of Summary Revocation, California notified Pribil that pursuant to “California Insurance Code Section 1669(d), in conjunction with Section 1738, that the Commissioner may revoke without hearing,” the license of a person “who has had a previously issued” insurance license and that “the license and licensing rights of [Pribil were] REVOKED, effective thirty (30) days from the date of this Order.” *Id.*

ii. Pribil’s California non-resident insurance producer license was revoked, effective February 27, 2014.

iii. Pribil did not report the administrative action taken against him by California to the Department within thirty (30) days of the final disposition of the matter.

k. The Vermont Department of Financial Regulation (“Vermont”) entered a Default Judgment and Order against Pribil on March 14, 2014 that revoked Pribil’s non-resident producer license effective and immediately after Pribil failed to file an Answer in response to Vermont’s Petition for Revocation of License and Notice of Right to Request a Hearing. *In re: John William Pribil*, Docket No. 14-007-I.

i. Pribil did not report the administrative action taken against him by Vermont to the Department within thirty (30) days of the final disposition of the matter.

l. The Michigan Department of Insurance and Financial Services (“Michigan”) and Pribil entered into an Order Accepting Stipulation on May 29, 2014 in which Pribil surrendered his Michigan non-resident insurance producer license. *In the Matter of: John Pribil, System ID No. 0485562, Enforcement Case No. 13-11824.*

i. Pribil did not report the administrative action taken against him by Michigan to the Department within thirty (30) days of the final disposition of the matter.

m. Pribil also has pending disciplinary actions with Indiana Department of Insurance (“Indiana”) and South Dakota Department of Insurance (“South Dakota”).

14. In light of these facts, Pribil’s non-resident insurance producer license is subject to discipline pursuant to:

a. Section 375.141.1(2) because Pribil violated an insurance law, namely § 375.141.6 when Pribil did not report to the Director the administrative actions taken against Pribil in Kansas, Kentucky, Arkansas, Illinois, Maine, Texas, West Virginia, Louisiana, North Carolina, California, Vermont, and Michigan within thirty (30) days of the final disposition of the matters.

b. Section 375.141.1(8) because Pribil, based on all of the facts alleged in Paragraphs 4 through 12, used fraudulent or dishonest practices or demonstrated untrustworthiness in the conduct of business.

c. Section 375.141.1(9) because Pribil has had an insurance producer license, or its equivalent, denied, suspended or revoked in Kansas, Kentucky, Arkansas, Illinois, Maine, Texas, West Virginia, Louisiana, North Carolina, California, Vermont, and Michigan.

15. Pribil agrees that the facts contained in this Consent Order constitute grounds to discipline his insurance producer license pursuant to § 375.141.1(2), (8), and (9).

16. Pribil and the Division desire to settle the allegations raised by the Division.

17. On or about July 1, 2014, 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). Counsel for the Division further advised Pribil that he had sixty (60) days to review the relevant documents and consider the proposed settlement offer in accordance with § 621.045.4(2).

18. Pribil acknowledges and understands that he has the right to consult an attorney at his own expense.

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

20. Except as provided in paragraph 19 above, Pribil stipulates and agrees to waive any 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 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.

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

22. 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

23. 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;

* * *

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

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

* * *

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.

24. The allegations raised by the Division, and admitted to herein by Pribil, are grounds to discipline Pribil's insurance producer license pursuant to § 375.141.1(2), (8), and (9).

25. 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.

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 John William Pribil's non-resident insurance producer license (License No. 0426220) is hereby **REVOKED**.

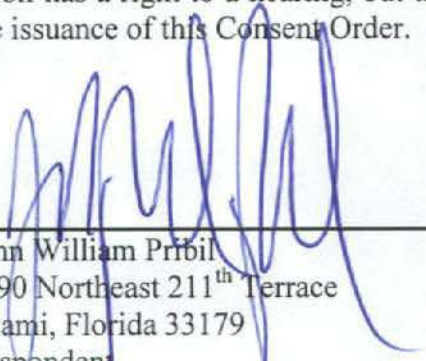
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 25th **DAY OF**
JULY, 2014.



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 John William Pribil has a right to a hearing, but that John William Pribil waived the hearing and consented to the issuance of this Consent Order.



John William Pribil
1890 Northeast 211th Terrace
Miami, Florida 33179
Respondent

6-8-14


Date

Suck it.

Counsel for Respondent
Name: _____
Missouri Bar No. _____
Address: _____

Phone: _____
Fax: _____

Date



Tammy S. Kearns, MO Bar #62992
Counsel for Consumer Affairs Division
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492
Email: tammy.kearns@insurance.mo.gov

7/23/14

Date