



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:

**CURTIS WAYNE
TUMBLESON,**

Applicant.

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Case No. 2402150187C

**ORDER REFUSING TO ISSUE
AN INSURANCE PRODUCER LICENSE**

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance (“Director” of the “Department”), takes up the above matter for consideration and disposition. After reviewing the Petition, the 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. Curtis Wayne Tumbleson (“Tumbleson”) is a Missouri resident whose residential, business, and mailing address is 916 Pine Street, Sikeston, Missouri 63801.
2. Tumbleson first received a Missouri resident insurance producer license from the Department on January 3, 2003 (license number 298398). This license expired on January 3, 2021.
3. On February 7, 2020, Tumbleson was involuntarily terminated from Reliable/Kemper Life Insurance Company (“Kemper Life”), for cause, due to Tumbleson’s misappropriation of policyholder premiums.
4. From September 2019 through April 2020, Tumbleson misappropriated a total of \$7307.33 in policyholder premiums, in that the premiums were paid by the

policyholders to Tumbleson, but Tumbleson did not enter the payments into the company computer system, and did not remit the payments to Kemper Life.

5. On April 24, 2020, Kemper Life applied Tumbleson's bond in the amount of \$3014.96 to the \$7307.33 policyholder premiums deficiency balance, leaving an outstanding balance of \$4292.37 due to Kemper Life from Tumbleson.
6. On May 22, 2020, the Department received a letter from Kemper Life, advising of Tumbleson's termination, misappropriation of policyholder premiums, and outstanding deficiency balance, and providing a summary report and supporting documents regarding Kemper Life's investigation into the matter.
7. On May 27, 2020, Special Investigator Dennis Fitzpatrick ("Fitzpatrick") with the Consumer Affairs Division ("Division") sent an email to Tumbleson at his email address of record. The correspondence asked that Tumbleson provide a detailed letter of explanation regarding the allegations in the attached letter from Kemper Life. The correspondence further cited 20 CSR 100-4.100, notified Tumbleson that his response was required within twenty days, and that failure to respond could result in disciplinary action by the Department.
8. Tumbleson did not respond to the Division's May 27, 2020 email.
9. On June 25, 2020, Fitzpatrick sent an email to Tumbleson at his email address of record. The correspondence asked that Tumbleson provide a detailed letter of explanation regarding the allegations in the attached letter from Kemper Life. The correspondence further cited 20 CSR 100-4.100, notified Tumbleson that his response was required within twenty days, and that failure to respond could result in disciplinary action by the Department.
10. Tumbleson did not respond to the Division's June 25, 2020 email.
11. On July 29, 2020, Fitzpatrick sent an inquiry letter by first-class mail to Tumbleson at his address of record. The inquiry letter asked that Tumbleson provide a detailed letter of explanation regarding the allegations in the attached letter from Kemper Life. The inquiry letter further cited 20 CSR 100-4.100, notified Tumbleson that his response was required within twenty days, and that failure to respond could result in disciplinary action by the Department.
12. The United States Postal Service did not return the Division's July 29, 2020 inquiry letter as undeliverable.
13. Tumbleson did not respond to the Division's July 29, 2020 inquiry letter within twenty days, or at all, nor did he demonstrate a reasonable justification for the delay.

14. On July 22, 2023, the Department received Tumbleson's application for a resident insurance producer license ("Application").
15. Background Question Number 6 of the Application asks, in pertinent part:

Have you ... ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct?
16. Tumbleson answered "No" to Background Question Number 6 regarding termination for alleged misconduct.
17. The "Attestation" section of the Application reads, in relevant part:

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.
18. Tumbleson certified this Attestation by indicating "Yes" and electronically submitting the Application to the Department.
19. On July 25, 2023, Fitzpatrick sent an email to Tumbleson at his email address of record. The correspondence asked that Tumbleson provide a detailed letter of explanation regarding the allegations in the attached letter from Kemper Life. The correspondence further cited 20 CSR 100-4.100, notified Tumbleson that his response was required within twenty days, and that failure to respond could result in disciplinary action by the Department.
20. Tumbleson did not respond to the Division's July 25, 2023 email.
21. On August 16, 2023, Fitzpatrick sent an email to Tumbleson at his email address of record. The correspondence asked that Tumbleson provide a detailed letter of explanation regarding the allegations in the attached letter from Kemper Life. The correspondence further cited 20 CSR 100-4.100, notified Tumbleson that his response was required within twenty days, and that failure to respond could result in disciplinary action by the Department.
22. Tumbleson did not respond to the Division's August 16, 2023 email.
23. On November 28, 2023, the Department served a subpoena duces tecum by certified mail and first-class mail on Tumbleson, to his address of record, ordering

Tumbleson to produce records, to include correspondence relating to his termination from Kemper Life, receipts showing payment of collected premiums, and evidence of repayment of misappropriated premiums to Kemper Life (“November 28, 2023 Subpoena Duces Tecum”).

24. The Department received the certified mail delivery receipt (United States Postal Service Form 3811, also known as the “green card”) bearing a signature and indicating delivery of the subpoena duces tecum to Tumbleson.
25. Tumbleson did not respond to the November 28, 2023 Subpoena Duces Tecum, and did not produce any of the requested records to the Department.
26. It is inferable and hereby found as fact that Tumbleson failed to disclose his termination for cause from Kemper Life in order to misrepresent to the Director that he had never been terminated for misconduct, and consequently improve the chances that the Director would approve his Application and issue him an insurance producer license.

CONCLUSIONS OF LAW

27. Section 375.141.1, RSMo (2016)¹ states, 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:

- (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;
- (4) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business; [or]

* * *

¹ All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

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

28. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, is a regulation of the Director and 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[.]

29. "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. 2000) (internal citations omitted).
30. The Director may refuse to issue a resident insurance producer license to Tumbleson pursuant to § 375.141.1(1) because Tumbleson filed an application for an insurance producer license on July 22, 2023, which was incomplete and/or contained incorrect, misleading, or untrue information regarding his termination for cause from Kemper Life, an insurance company, for misconduct.
31. The Director may refuse to issue Tumbleson a resident insurance producer license pursuant to § 375.141.1(2) because Tumbleson violated 20 CSR 100-4.100(2)(A), a regulation of the Director, when he failed to respond to the July 29, 2020 inquiry letter from the Division within twenty (20) days and failed to demonstrate a reasonable justification for the delay.
32. The Director may refuse to issue Tumbleson a resident insurance producer license pursuant to § 375.141.1(2) because Tumbleson violated and did not obey the Director's November 28, 2023 Subpoena Duces Tecum. The subpoena directed Tumbleson to produce correspondence relating to his termination from Kemper Life, receipts showing payment of collected premiums, and evidence of repayment of misappropriated premiums to Kemper Life. Tumbleson did not produce the requested records, and did not otherwise respond to the subpoena duces tecum.
33. Each instance in which Tumbleson violated an insurance law, regulation, or subpoena of the Director constitutes a separate and sufficient cause for refusal pursuant to § 375.141.1(2).

34. The Director may refuse to issue a resident insurance producer license to Tumbleson pursuant to § 375.141.1(3) because Tumbleson attempted to obtain a license through material misrepresentation or fraud, in that he failed to disclose his termination for cause from Kemper Life, an insurance company, for misconduct.
35. The Director may refuse to issue a resident insurance producer license to Tumbleson pursuant to § 375.141.1(4) because Tumbleson improperly withheld, misappropriated, or converted moneys or properties received in the course of doing insurance business when he collected a total of \$7307.33 in policyholder premiums and failed to remit said policyholder premiums to Kemper Life.
36. The Director may also refuse to issue a resident insurance producer license to Tumbleson pursuant to § 375.141.1(8) because Tumbleson used fraudulent or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state, when he collected a total of \$7307.33 in policyholder premiums and failed to remit said policyholder premiums to Kemper Life.
37. The Director has considered Tumbleson's history and all of the circumstances surrounding Tumbleson's Application, and exercises her discretion to refuse to issue Tumbleson a resident insurance producer license.
38. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the Application of **CURTIS WAYNE TUMBLESON** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 09th DAY OF October, 2024.




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 10th day of October 2024, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Curtis Wayne Tumbleson
916 Pine Street
Sikeston, Missouri 63801

Tracking No. 1ZDR15W84290177566



Kim Landers
Missouri Department of Commerce and
Insurance
301 West High Street, Room 530
Jefferson City, Missouri 65101