



STATE OF MISSOURI  
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS &  
PROFESSIONAL REGISTRATION

IN THE MATTER OF:

David Brewer,

Applicant.

Serve at:

315 Main Street

Prairie Du Rocher, Illinois 62277

Case No. 09A000204

**REFUSAL TO RENEW INSURANCE PRODUCER LICENSE**

On August 5, 2009, Elfin L. Noce, as Legal Counsel for the Division of Consumer Affairs, submitted a Petition to the Director alleging cause for refusing to renew the insurance producer license of David Brewer ("Brewer"). After reviewing the Petition, and the investigative report, the Director issues the following findings of fact, conclusions of law and summary order:

**FINDINGS OF FACT**

1. David Brewer is an Illinois resident with an address of 315 Main Street, Prairie Du Rocher, Illinois 62277.
2. Brewer was originally licensed in Missouri as an insurance producer, license number 0387856, on February 2, 2007, and such license expired on February 2, 2009.
3. On his 2007 application for licensure as a non-resident Missouri insurance producer, Brewer answered, "No" to question # 2 of the Background Questions, "Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?"
4. Brewer was originally licensed as an insurance producer by the State of Illinois in March of 1985.

5. On November 14, 1986, Brewer entered into a Stipulation and Consent Order with the State of Illinois Department of Insurance regarding discipline of his Illinois insurance producer license.
6. On May 3, 1993, Brewer entered into a second Stipulation and Consent Order with the State of Illinois Department of Insurance regarding discipline of his Illinois insurance producer license.
7. On October 30, 2001, the Director of Insurance of the State of Illinois revoked Brewer's Illinois insurance producer license.
8. In February of 2005, Brewer was relicensed as an Illinois insurance producer.
9. On June 25, 2008, Brewer entered into a third Stipulation and Consent Order with the State of Illinois Department of Financial and Professional Regulation Division of Insurance regarding discipline of his Illinois insurance producer license. Brewer did not report this administrative action against his Illinois insurance producer license to the Director within thirty days of its final disposition.
10. On March 9, 2009, the Missouri Department of Insurance, Financial Institutions & Professional Registration ("Department") received a non-resident insurance producer renewal request from Brewer.
11. On April 8, 2009, Special Investigator Carrie Couch ("Couch") mailed a letter to Brewer requesting an explanation of the regulatory actions the State of Illinois took against his insurance producer license.
12. Brewer did not respond to the April 8, 2009 letter.
13. On May 19, 2009, Couch mailed a second letter to Brewer, again requesting an explanation of the regulatory actions the State of Illinois took against his insurance producer license.
14. On June 1, 2009, Couch received a response to the May 19, 2009 letter from Brewer. In this letter, Brewer, in explanation of why he did not report his revocation to Missouri, stated, "I was wrong in asuming [*sic*] the question on license app. Meant since your last license renewal have you had a revocation. I made the same mistake on my Il. Renewal license app. Also, I will answer it correctly from now on."

### CONCLUSIONS OF LAW

15. Section 375.141, RSMo (Supp. 2008) provides, in 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;

...

(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.

...

16. The principal purpose of § 375.141, RSMo, 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).

17. Brewer stated "No" to question # 2 of the Background Questions on his 2007 Missouri Non-Resident insurance producer application, "Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?" when, in fact, his Illinois insurance producer license had been disciplined on three prior occasions by the State of Illinois.

18. By answering "No" to question # 2 of the Background Questions, Brewer may be refused renewal of his insurance producer license based upon § 375.141.1(1), RSMo (Supp. 2008), for intentionally providing materially incorrect, misleading, incomplete and untrue information in his original license application.

19. By answering "No" to question # 2 of the Background Questions, Brewer may be refused renewal his insurance producer license based upon § 375.141.1(3), RSMo (Supp. 2008), for obtaining a license through material misrepresentation and fraud.

20. Brewer may be refused renewal of his insurance producer license based upon § 375.141.1(2), RSMo (Supp. 2008), for his violation § 375.141.6, RSMo (Supp. 2008), by not reporting the discipline of his Illinois insurance producer license on June 25, 2008, within 30 days of its final disposition to the Department.
21. Brewer may be refused renewal of his insurance producer license based upon § 375.141.1(9), RSMo (Supp. 2008), for the State of Illinois revoking Brewer's Illinois insurance producer license on October 30, 2001.
22. The Director has considered the history of Brewer and all of the circumstances surrounding Brewer's renewal request. Brewer's failure to report the discipline of his Illinois insurance producer license, both on his 2007 application for a Missouri insurance producer license and while licensed as a Missouri insurance producer, demonstrates a pattern of neglect and dishonesty that makes issuance of an insurance producer license not in the interest of the public. For these reasons, the Director exercises his discretion in refusing to renew Brewer's insurance producer license.
23. This order is in the public interest.

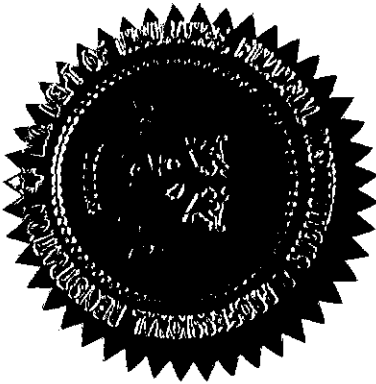
**ORDER**

IT IS THEREFORE ORDERED that renewal of the insurance producer license of Applicant David Brewer is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 11<sup>th</sup> DAY OF August, 2009.

  
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 thirty (30) days after the mailing of this notice pursuant to Section 621.120, RSMo.

### CERTIFICATE OF SERVICE

I hereby certify that on this 13<sup>th</sup> day of August, 2009, a copy of the foregoing notice and order was served upon David Brewer in this matter by certified mail.

  
Karen Crutchfield  
Senior Office Support Staff