

FINAL ORDER
EFFECTIVE
06-18-2019



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

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

In re: Danielle L. Johnson)
)
) DIFP No. 1901280192H
) AHC No. 18-0806

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER OF DISCIPLINE**

Based on the competent and substantial evidence on the whole record, I, Chlora Lindley-Myers, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration (“Director” of the “Department”), hereby issue the following Findings of Fact, Conclusions of Law and Order of Discipline:

Findings of Fact

1. Chlora Lindley-Myers is the duly appointed Director of the Department whose duties, pursuant to Chapters 374 and 375, RSMo, include the supervision, regulation and discipline of insurance producers.
2. The Director filed a Complaint with the Administrative Hearing

Commission (“Commission”) on September 14, 2018, seeking a finding that cause existed for disciplining the insurance producer license of Danielle L. Johnson (“D. Johnson”).

3. Before September 24, 2018, D. Johnson was served with a copy of the Complaint. D. Johnson never filed an Answer to the Complaint.

4. On November 14, 2018, the Director filed a Motion for Remedy and Default Decision, which included suggestions in support. The Commission gave D. Johnson until November 29, 2018 to file a response, but she did not respond.

5. On December 18, 2018, the Commission issued a Default Decision deeming the complaint admitted, any defense to the Director’s complaint waived, and deeming D. Johnson in default on any issue raised in the complaint. Consequently, as alleged in the complaint, cause exists to discipline D. Johnson’s insurance producer license pursuant to § 375.141.1(2), (4) and (8), RSMo 2016.¹ The Commission found D. Johnson had admitted the following facts:

- a. D. Johnson is or was a Missouri resident with a reported residential and mailing address of 22 Manor Dr., Florissant, Missouri 63031. D. Johnson reported her business address as Dealer Protection, 5301 Veterans Memorial Parkway, #203, St. Peters, Missouri 63376.
- b. On or about June 24, 2017, the Department issued a resident insurance producer license to D. Johnson. The resident insurance producer license expires on June 24, 2019.
- c. On December 15, 2017, the Department received a Uniform Suspected Insurance Fraud Reporting Form (“Reporting Form”) from

¹ All references are to the Revised Statutes of Missouri, 2016, unless otherwise indicated.

Mutual of Omaha Insurance Company, Omaha, Nebraska (“Company”).

- d. The Company reported that it suspected application fraud by D. Johnson and that it had also terminated its contract authorizing D. Johnson to sell its insurance policies effective December 5, 2017.
- e. Upon request, the Company provided the suspicious applications to the Department.

CHILDREN’S WHOLE LIFE APPLICATION
ANTHONY J. WOODS, APPLICANT

- f. On September 1, 2017, D. Johnson submitted to the Company a Children’s Whole Life Application on behalf of Anthony J. Woods (“Woods”).

- g. Page 1 of Woods’ application lists the proposed insureds as:

Jaelen J. Woods—Date of Birth 07/06/2001;
Anniyah D. Woods—Date of Birth 03/07/2012;
Ruby M. Woods—Date of Birth 03/20/2015.

- h. The Company researched Woods’ application and found that Woods has the following siblings with the noted dates of birth:

Jaelen J. Woods—Date of Birth 07/06/1997;
Anniyah D. Woods—Date of Birth 03/07/1982;
Ruby M. Woods—Date of Birth 03/20/1985.

- i. It is inferable that the dates of birth of Woods’ siblings have been altered to make them appear to be juveniles and further appear to be Woods’ children rather than his siblings.

INDIVIDUAL LIFE INSURANCE APPLICATION
BRITTANY SEALS, APPLICANT

- j. On November 29, 2017, D. Johnson submitted to the Company an Individual Life Insurance Application on behalf of Brittany Seals (“Seals”).
- k. The address listed on Seals’ application is 22 Manor Dr., Florissant, Missouri 63031, which is the same address D. Johnson has reported to the

Department as her residential and mailing addresses.

- l. The email address listed on Seals' application is danielle.lanee3@gmail.com, which is D. Johnson's email address.
- m. According to Seals' application, she elected to have her premiums automatically deducted from her bank account. The first premium payment was to be withdrawn on or after December 20, 2017.
- n. The financial institution shown on Seals' application is Wells Fargo Bank. According to Seals' application, Seals is shown as a payor on the Account, and the account number is provided.
- o. According to Seals' application, Seals e-signed it on November 29, 2017, but the e-Signature Data Sheet attached to her application shows Seals using D. Johnson's email address to e-sign the application.

CHILDREN'S WHOLE LIFE APPLICATION
BRITTANY SEALS, APPLICANT

- p. On November 29, 2017, D. Johnson also submitted a Children's Whole Life Application to the Company on behalf of Seals.
- q. The application lists Seals' address as 22 Manor Dr., Florissant, Missouri 63031, the same address D. Johnson provided to the Department as her residential and mailing addresses.
- r. Seals' application lists her email address as danielle.lanee3@gmail.com, which is D. Johnson's email address.
- s. The proposed insured is K. S.
- t. According to the application, the premiums were to be automatically deducted from the Wells Fargo Bank account, the same account and account number used for Seals' Individual Life Insurance Application.
- u. Seals purportedly signed the application using an electronic signature, but the e-Signature Data Page attached to the application shows Seals using D. Johnson's email address, danielle.lanee3@gmail.com, for Seals' electronic signature.

INDIVIDUAL LIFE INSURANCE APPLICATION
STACI N. REYNOLDS

- v. On November 30, 2017, D. Johnson submitted an Individual Life Insurance Application to the Company on behalf of Staci N. Reynolds (“S. Reynolds”). According to the application, S. Reynolds’ home address is listed as 22 Manor Dr., Florissant, Missouri 63031, which is the same home address as Seals and D. Johnson.
- w. S. Reynolds’ email address as listed on the application is danielle.lanee3@gmail.com, D. Johnson’s email address.
- x. The beneficiary on the application appears as L. Seals, which is the same last name as Seals, above.
- y. D. Johnson identified S. Reynolds as D. Johnson’s sister.
- z. According to the application, the premium payments were to be automatically deducted from a Bancorp Bank account, with the specific account number provided. S. Reynolds is listed on the application as a payor on the account.
- aa. The initial premium was to be withdrawn from the Bancorp Bank account on or after December 15, 2017.
- bb. S. Reynolds signed the application purporting to use an electronic signature, but the e-Signature Data Sheet shows S. Reynolds using D. Johnson’s email address as her electronic signature.

CHILDREN’S WHOLE LIFE APPLICATION
SHANDA HAYES

- cc. On December 1, 2017, D. Johnson submitted a Children’s Whole Life Application to the Company on behalf of Shanda Hayes (“Hayes”).
- dd. The application lists Hayes’ legal residence address as 6058 Hancock Avenue, Berkeley, Missouri 63034.
- ee. The application lists Hayes’ email address as danielle.lanee3@gmail.com, which is D. Johnson’s email address.

- ff. The application provides that the premium payments are to be automatically deducted from a Bancorp Bank account, which is the same account being used by S. Reynolds to pay her premiums, using automatic withdrawal.
- gg. The application states that Hayes is named as a payor on the account. According to S. Reynolds' application, S. Reynolds is also listed as a payor on the account.
- hh. The initial premium was to be deducted on or after December 20, 2017.
- ii. D. Johnson does not identify Hayes as being related to D. Johnson. Hayes does not appear to be related to S. Reynolds.
- jj. Hayes purportedly signed the application using an electronic signature, but the e-Signature Data Sheet shows Hayes using D. Johnson's email address.

INDIVIDUAL LIFE INSURANCE APPLICATION
SHANDA HAYES

- kk. On December 1, 2017, D. Johnson submitted an Individual Life Insurance Application to the Company on behalf of Hayes.
- ll. Hayes' home address as it appears on the application is 6058 Hancock Ave., Berkeley, Missouri 63134.
- mm. Hayes' email address as it appears on the application is danielle.lanee3@gmail.com, which is the same as D. Johnson's email address.
- nn. According to the application, the premium payments are to be automatically deducted monthly from the Bancorp Bank account, which was the same account S. Reynolds was using for her premium payments and Hayes was using for her Children's Whole Life premium payments.
- oo. The first premium payment was to be deducted on or after December 20, 2017.

pp. The beneficiary listed on the application is T. J., a child.

qq. Hayes again purports to sign using an electronic signature, but the e-Signature Data Sheet shows Hayes using D. Johnson's email address.

INDIVIDUAL LIFE INSURANCE APPLICATION
TRYVON JOHNSON

rr. On December 1, 2017, D. Johnson submitted an Individual Life Insurance Application to the Company on behalf of Tryvon Johnson.

ss. According to the application, Tryvon Johnson's home address is 6058 Hancock Ave., Berkeley, Missouri 63134, the same address Hayes lists as her home address.

tt. Tryvon Johnson's email address is listed on the application as danielle.lanee3@gmail.com, which is D. Johnson's email address.

uu. The beneficiary listed on the application is T. J., a child, whose date of birth and social security number are the same as the T. J. identified as Hayes' child on her Children's Whole Life and Individual Life Applications.

vv. The premium for Tryvon Johnson's policy was to be automatically deducted from the Bancorp Bank account, which was the same account being used by S. Reynolds and Hayes for their premium payments. According to the application, Tryvon Johnson is listed as a payor on the Bancorp Bank account, as are S. Reynolds and Hayes.

ww. D. Johnson does not identify Tryvon Johnson as being related to her. Tryvon Johnson does not appear to be related to S. Reynolds.

xx. Tryvon Johnson purports to sign the application using an electronic signature, but according to the e-Signature Data Sheet attached to the application, Tryvon Johnson used D. Johnson's email address.

INDIVIDUAL LIFE INSURANCE APPLICATION
TYONE JOHNSON

yy. On December 1, 2017, D. Johnson submitted an Individual Life Insurance Application to the Company on behalf of Tyone Johnson.

- zz. Tyone Johnson's home address is listed on the application as 6058 Hancock Ave., Berkeley, Missouri 63134, which is the same home address used by Hayes and Tryvon Johnson on their applications.
- aaa. Tyone's Johnson's email address is listed as danielle.lanee3@gmail.com, which is D. Johnson's email address.
- bbb. The beneficiary appearing on the application is Tryvon Johnson, whose date of birth and social security number are the same as the Tryvon Johnson identified above.
- ccc. The premium payment was to be automatically withdrawn from a Bancorp Bank account, which is the same account also being used by S. Reynolds, Hayes and Tryvon Johnson for their premium payments. According to the application, Tyone Johnson is also named as a payor on the account. Tyone Johnson does not appear to be related to S. Reynolds.
- ddd. The first premium payment was to be deducted on or after December 20, 2017.
- eee. Tyone Johnson purports to sign the application using an electronic signature, but according to the e-Signature Data Sheet attached to the application, Tyone Johnson used D. Johnson's email address.

INDIVIDUAL LIFE INSURANCE APPLICATION
ASIA REYNOLDS

- fff. On December 1, 2017, D. Johnson submitted an Individual Life Insurance Application to the Company on behalf of Asia Reynolds ("A. Reynolds").
- ggg. The application lists A. Reynolds' home address as 22 Manor Dr., Florissant, Missouri 63031, which is the same home address used by D. Johnson, Seals, possibly Seals' young child, S. Reynolds and possibly her young child.
- hhh. According to the application, A. Reynolds' email address is danielle.lanee3@gmail.com, which is D. Johnson's email address.
- iii. The beneficiary listed on the application is Quin (sic) Curry, spouse.

- jjj. The premiums to pay for the policy are to be automatically deducted from the Wells Fargo account, which is the same account being used by Seals to automatically deduct her premium payments for both her Individual Life Insurance and Children's Whole Life policies.
- kkk. According to the application, A. Reynolds is listed as a payor on the account, as is Seals according to her applications.
- lll. D. Johnson identified A. Reynolds as being D. Johnson's sister. But A. Reynolds does not appear to be related to Seals.
- mmm. A. Reynolds purports to sign the application using an electronic signature, but according to the e-Signature Data Sheet attached to the application, A. Reynolds used D. Johnson's email address.

INDIVIDUAL LIFE INSURANCE APPLICATION
QUINN CURRY

- nnn. On December 1, 2017, D. Johnson submitted an Individual Life Insurance Application to the Company on behalf of Quinn Curry.
- ooo. According to the application, Quinn Curry's home address is 22 Manor Dr., Florissant, Missouri 63031, the same home address used by D. Johnson, Seals, possibly Seals' child, S. Reynolds, possibly S. Reynolds' child and A. Reynolds.
- ppp. Quinn Curry's email address as listed on the application is danielle.lanee3@gmail.com, D. Johnson's email address.
- qqq. The beneficiary listed on the application is A. Reynolds, spouse, whose date of birth and social security number are the same as those listed for A. Reynolds, above.
- rrr. The application provides that the premiums are to be automatically deducted from the Wells Fargo Bank account, which is the same account being used by Seals and A. Reynolds. Quinn Curry does not appear to be related to Seals.
- sss. Quinn Curry is identified on the application as a named payor on the Wells Fargo Bank account, as are Seals and A. Reynolds.

ttt. The initial premium was to be deducted on or after December 20, 2017.

uuu. Quinn Curry purports to sign the application using an electronic signature, but according to the e-Signature Data Sheet attached to the application, Quinn Curry used D. Johnson's email address.

INDIVIDUAL LIFE INSURANCE APPLICATION
PARIS BELTS

vvv. On December 1, 2017, D. Johnson submitted an Individual Life Insurance Application to the Company on behalf of Paris Belts ("Belts").

www. Belts' home address, as it appears on the application, is 2800 Arlington Avenue, St. Louis, Missouri 63120. Upon information and belief, at one time, Woods, identified above, lived at 2800 Arlington Avenue, St. Louis, Missouri 63120.

xxx. Belts' email address, as it appears on the application, is danielle.lanee3@gmail.com, which is D. Johnson's email address.

yyy. The beneficiary listed on the application is Juan Sema, spouse.

zzz. The application provides that the premium payments are to be automatically deducted from Vantage Credit Union, and the account number to be used is provided.

aaaa. According to the application, Belts is listed as a payor on the account.

bbbb. The first premium was to be deducted on or after December 20, 2017.

cccc. Belts purports to sign the application using an electronic signature, but according to the e-Signature Data Sheet attached to the application, Belts used D. Johnson's email address.

INDIVIDUAL LIFE INSURANCE APPLICATION
JUAN SEMA

- dddd. On December 1, 2017, D. Johnson submitted an Individual Life Insurance Application on behalf of Juan Sema (“Sema”).
- eeee. According to the application, Sema’s home address is 2800 Arlington Avenue, St. Louis, Missouri 63120, which is also Belts’ home address according to her application. Upon information and belief, at one time, Woods, identified above, lived at 2800 Arlington Avenue, St. Louis, Missouri 63120.
- ffff. According to the application, Sema’s email address is danielle.lanee3@gmail.com, which is D. Johnson’s email address.
- gggg. The beneficiary listed on the application is Belts, Sema’s spouse.
- hhhh. The application provides that the premiums are to be automatically deducted from the Vantage Credit Union account, which is the same account being used by Belts for her premium payments.
- iiii. According to the application, Sema is listed as a payor on the Vantage Credit Union account, as is Belts.
- jjjj. The first premium payment was to be deducted on or after December 20, 2017.
- kkkk. Sema purports to sign the application using an electronic signature, but according to the e-Signature Data Sheet attached to the application, Sema used D. Johnson’s email address.

INDIVIDUAL LIFE INSURANCE APPLICATION
SHARRON MCGEE

- llll. On December 2, 2017, D. Johnson submitted an Individual Life Insurance Application to the Company on behalf of Sharron McGee (“McGee”).
- mmmm. According to the application, McGee’s address is 2800 Arlington Ave., St. Louis, Missouri 63120, the same home address being used by Belts and Sema. Upon information and belief, at one time, Woods,

identified above, lived at 2800 Arlington Avenue, St. Louis, Missouri 63120.

- nnnn. McGee does not appear to be related to either Belts or Sema.
- oooo. McGee's email address as it appears on the application is danielle.lanee3@gmail.com, which is D. Johnson's email address.
- pppp. The application provides that the premium payments are to be automatically deducted from the Vantage Credit Union account, which is the same account being used by Belts and Sema to pay their premiums.
- qqqq. According to the application, McGee is listed as a payor on the Vantage Credit Union account, as are Belts and Sema.
- rrrr. The initial premium payment was to be deducted on or after December 20, 2017.
- ssss. McGee purports to sign the application using an electronic signature, but according to the e-Signature Data Sheet attached to the application, McGee used D. Johnson's email address.

ADDITIONAL FACTS

- tttt. 6058 Hancock Avenue, Berkeley, Missouri 63134, is a two bedroom rental property.
- uuuu. 22 Manor Dr., Florissant, Missouri 63031 is a small three bedroom, one bath rental property.
- vvvv. 2800 Arlington Ave., St. Louis, Missouri 63120 is a three bedroom, one or two bath rental property.
- www. The Company pays its contract insurance agents advance commissions on insurance applications they submit.
- xxxx. The Company is attempting to collect the advance commissions for the above applications submitted by D. Johnson, which the Company did not issue because of the irregularities associated with the applications. D. Johnson has not remitted the advance commissions she obtained from the Company.

yyyy. In response to the December 15, 2017, Reporting Form submitted by the Company, on December 18, 2017, one of the Division's Special Investigators, Dennis A. Fitzpatrick ("Fitzpatrick") sent an inquiry letter along with a copy of the Reporting Form to D. Johnson asking her for an explanation of the allegations found in the Reporting Form. Fitzpatrick sent the December 18, 2017, letter to the 22 Manor Dr., Florissant, Missouri 63031 address provided by D. Johnson to the Department as her residential and mailing addresses, via first class mail, postage prepaid.

zzzz. The December 18, 2017, inquiry letter also notified D. Johnson that, pursuant to 20 CSR 100-4.100(2)(A), D. Johnson's response was due in twenty days and that the failure to respond could result in disciplinary action.

aaaa. Although the December 18, 2017, inquiry letter was not returned marked "undeliverable," D. Johnson did not submit a response. Consequently, on January 9, 2018, Fitzpatrick sent a second inquiry letter, first class mail, postage prepaid, again seeking an explanation of the allegations found in the Reporting Form. The January 9, 2018, inquiry letter was not returned marked "undeliverable," but D. Johnson did not respond to the second inquiry letter either.

bbbb. In an effort to obtain information about the allegations in the Reporting Form and not receiving any response to the December 18, 2017, or the January 9, 2018, inquiry letters, on April 20, 2018, the Director served D. Johnson with a subpoena and subpoena duces tecum at the 22 Manor Dr., Florissant, Missouri 63031 address, certified mail, return receipt requested. The April 20, 2018, subpoena and subpoena duces tecum were returned as "undeliverable, unable to forward." D. Johnson has never notified the Director of any change of address.

cccc. The Director served the April 20, 2018, subpoena and subpoena duces tecum pursuant to the authority vested in her by § 374.190.

dddd. The April 20, 2018, subpoena and subpoena duces tecum directed D. Johnson to appear before the Director on May 16, 2018, to answer questions regarding the Company's termination of its contract with D. Johnson and to bring documents, including the applications of and supporting documentation for the following individuals: Anthony J. Woods, Brittany Seals, Staci N. Reynolds, Shanda Hayes, Tryvon Johnson, Asia

Reynolds, Quinn Curry, Paris Belts, Juan Sema and Sharron McGee.

eeee. D. Johnson failed to appear on May 16, 2018, and did not send any of the documents requested.

ffff. The Director is a state regulator of insurance producers.

6. The Administrative Hearing Commission had jurisdiction over the complaint pursuant to § 621.045.

7. Based on the Commission's Default Decision deeming the complaint admitted, any defense to the complaint waived and D. Johnson in default on any issue that could be raised, there is cause to discipline D. Johnson's insurance producer license under § 375.141.1(2) because D. Johnson violated 20 CSR 100-4.100(2)(A) by not responding to the Division's inquiry letters; violated a subpoena issued by the Director by failing to appear and bring documents as ordered in the April 20, 2018, subpoena and subpoena duces tecum; and violated § 375.141.5 by failing to notify the Director of any change in address. *Commission's Order*, pp. 1-2.

8. Based on the Commission's Default Decision deeming the complaint admitted, any defense to the complaint waived and D. Johnson in default on any issue that could be raised, there is cause to discipline D. Johnson's insurance producer license under § 375.141.1(4) because D. Johnson improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business. D. Johnson submitted insurance applications to the Company, and the Company paid D. Johnson advance commissions for the applications. However, upon its investigation of

the applications, the Company did not issue the insurance policies. Despite being informed of the Company's decision not to actually issue policies and despite repeated demands for the return of the advance commissions paid to D. Johnson, D. Johnson did not return the advance commissions to the Company. *Commission's Order*, pp. 1-2.

9. Based on the Commission's Default Decision deeming the complaint admitted, any defense to the complaint waived and D. Johnson in default on any issue that could be raised, there is cause to discipline D. Johnson's insurance producer license under § 375.141.1(8) because D. Johnson used dishonest practices and demonstrated incompetence and untrustworthiness in the conduct of her business in this state as follows:

- a. D. Johnson wrote and submitted to the Company an insurance policy application that misrepresented the ages of the proposed insureds for whom the policy was being drafted such that the proposed insureds appeared to be the children of the owner of the policy when in fact the proposed insureds were likely the adult siblings of the proposed policy owner. As a result of the conduct described, above, the Company provided advance commissions to D. Johnson, which commissions D. Johnson did not earn because, due to the irregularities discovered during its review of the policy application, the Company did not issue the policy. D. Johnson has not reimbursed the Company for the advance commissions despite the fact that the policy was never issued;
- b. D. Johnson submitted insurance applications that contained false information, including information that the applicants all lived at the same three addresses, even though the applicants could not all live at the three addresses listed on the applications due to the size limitations of those properties;
- c. D. Johnson submitted insurance applications that contained false information, including that the applicants all had the same email address, which was in fact D. Johnson's email address;

- d. D. Johnson submitted insurance applications that contained false information, including that the applicants all had rights to the three bank accounts utilized by all thirteen applicants for all the applications submitted. Not all of the applicants appear to be related despite being listed on the applications as payors on the bank accounts used;
- e. D. Johnson submitted insurance applications that contained false information, including the fact that the electronic signatures of the applicants were not actually their electronic signatures but rather used D. Johnson's email address.

10. On January 24, 2019, the Commission certified the record of its proceeding to the Director pursuant to § 621.110.

11. Thereafter, the Director served the Notice of Hearing upon D. Johnson by UPS, signature required, which set the disciplinary hearing for 1:30 p.m., March 5, 2019, in the offices of the Department, 301 West High Street, Room 530, Jefferson City, Missouri. The UPS Notice of Delivery receipt was signed by "Johnson."

12. D. Johnson did not appear at the disciplinary hearing. Shelley A. Woods appeared as counsel for the Division. *Disciplinary Hearing Transcript ("Tr.")* at 4-6.

13. The Division's evidence consisted of Exhibits 1 through 3 and the testimony of Dennis Fitzpatrick, Special Investigator with the Division. *Tr.* 8-11.

14. The hearing officer, Cheryl C. Nield, admitted the Division's Exhibit 1, the Commission's certified record of proceedings; Exhibit 2, the Notice of Hearing; and Exhibit 3, the UPS Delivery Notification. *Tr.* 8-9.

15. At the hearing, the Division, through counsel, recommended that D. Johnson's insurance producer license be revoked. *Tr.* 13.

16. The Director hereby adopts and incorporates the December 18, 2018, Default Decision of the Administrative Hearing Commission referenced herein and does hereby find in accordance with the same. *Director of Dep't of Ins., Fin. Insts. & Prof'l Reg'n v. Danielle L. Johnson*, No. 18-0806 (Mo. Admin. Hrg. Comm'n, December 18, 2018).

Conclusions of Law

17. Section 621.110 outlines the procedure after the Commission finds cause to discipline a license. That statute provides, in relevant part:

Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee . . . , the commission shall deliver or transmit by mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with the commission's findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency. . . . Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing[.] . . . The licensee may appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law. . . .

18. Where an agency seeks to discipline a license, the Commission “finds the predicate facts as to whether cause exists” for the discipline, and then the agency “exercises final decisionmaking authority concerning the discipline to be imposed.”

Board of Reg'n for the Healing Arts v. Trueblood, 368 S.W.3d 259, 267-68 (Mo. App. W.D. 2012).

19. Section 374.051.2, relating to a proceeding to revoke or suspend a license, states, in relevant part:

If a proceeding is instituted to revoke or suspend a license of any person under sections 374.755, 374.787, and 375.141, the director shall refer the matter to the administrative hearing commission by directing the filing of a complaint. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in such cases. The director shall have the burden of proving cause for discipline. If cause is found, the administrative hearing commission shall submit its findings of fact and conclusions of law to the director, who may determine appropriate discipline.

21. Section 375.141 states, in pertinent 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;

* * *

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

* * *

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial

irresponsibility in the conduct of business in this state or elsewhere;

* * *

5. Every insurance producer licensed in this state shall notify the director of any change of address, on forms prescribed by the director, within thirty days of the change. If the failure to notify the director of the change of address results in an inability to serve the insurance producer with a complaint as provided by sections 621.045 to 621.198, then the director may immediately revoke the license of the insurance producer until such time as service may be obtained.

22. The Director has discretion to discipline D. Johnson's insurance producer license, including the discretion to revoke such license. §§ 374.051.2, 375.141, and 621.110.

23. The principal purpose of § 375.141 is not to punish licensees, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

24. Section 375.141.1 provides that the Director may "suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one of" the listed grounds.

25. Section 621.110 allows the Director to receive evidence relevant to the appropriate disciplinary action.

26. In response to a request from the Department, the Company provided information gathered during its in-house investigation of certain insurance policy applications submitted by D. Johnson to the Company. That investigation outlined several significant issues regarding the applications submitted by D. Johnson, including

inaccurate email addresses, issues with the bank accounts provided for payment of the insurance policy premiums, and inconsistencies with the addresses provided for the proposed insureds.

27. D. Johnson has not reimbursed the Company for advance commissions the Company paid to D. Johnson upon receipt of the insurance policy applications at issue despite the fact that, after its investigation of the applications, the Company did not issue the policies because of problems discovered during the investigation.

28. D. Johnson did not respond to two inquiry letters sent by Special Investigator Fitzpatrick who had requested that D. Johnson provide information and documents in response to the information provided as a result of the Company investigation.

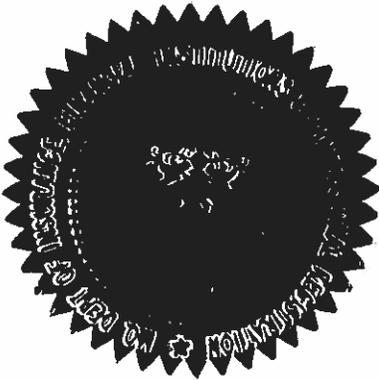
29. Further, D. Johnson did not comply with an April 20, 2018 Subpoena and Subpoena Duces Tecum issued by the Director ordering D. Johnson to appear before the Director and answer questions regarding the Company investigation and to bring certain documents.

30. Based on the nature and severity of the aforementioned conduct, sufficient grounds exist for revoking the insurance producer license of D. Johnson pursuant to §§ 375.141.1(2), (4), and (8).

ORDER

Based on the foregoing Findings and Conclusions, the insurance producer license of **Danielle L. Johnson** (License No. 8293347) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 16th
DAY OF May, 2019.



Chlora Lindley Myers
Chlora Lindley-Myers, Director
Missouri Department of
Insurance, Financial Institutions
and Professional Registration

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May, 2019, a copy of the foregoing Proposed Findings of Fact, Conclusions of Law and Order of Discipline was served by regular mail and UPS, to the following:

Danielle L. Johnson
22 Manor Dr.
Florissant, Missouri 63031

Tracking NO. 1Z0R15W84292747900

and by hand delivery to:

Shelley A. Woods
Counsel for the Consumer Affairs Division
Missouri Department of Insurance, Financial
Institutions and Professional Registration



Kathryn Latimer
Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 W. High Street, Room 530
Jefferson City, MO 65101
Telephone: 573.751.6515
Facsimile: 573.526.5492
Kathryn.Latimer@insurance.mo.gov