



FINAL ORDER
EFFECTIVE
02-12-2018

State of Missouri
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
INSURANCE FOR YOU, INC.,) **Case No. 171017400C**
)
Applicant.)

ORDER REFUSING TO ISSUE
BUSINESS ENTITY INSURANCE PRODUCER LICENSE

On December 21, 2017, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the business entity insurance producer license application of Insurance For You, Inc. After reviewing the Petition, 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. Insurance For You, Inc. (“Insurance For You”) is a Missouri domestic corporation with a business and mailing address of 8850 Highway DD, O’Fallon, Missouri 63368-6505.
2. On July 13, 2017, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Insurance For You’s electronic application for a business entity insurance producer license (“Application”), submitted by Ronald David Comer (“Ronald”),¹ who specified himself as one of its owners and the designated responsible licensed producer.
3. Insurance For You answered “No” to Background Information Question 1B of the Application which asked:

Has the business entity or any owner, partner, officer or director of the business entity, or member or manager of a limited liability company ever been convicted of a felony, had a judgment withheld or deferred, or is the business entity or any owner, partner, officer or director of the business entity or member or manager of a limited liability company currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court.)

¹ Because this proceeding involves two individuals with the same surname, they are defined and identified by their first names for clarity. No familiarity or disrespect is intended.

4. Insurance For You also answered “No” to Background Information Question 5 of the Application which asked, in relevant part: “Is the business entity or any owner, partner, officer or director of the business entity ... a party to, or ever been found liable in any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty?”
5. On October 7, 2004, Franklin David Comer (“Franklin”) pled guilty to, and was found in violation of law for, ten counts of Unlawful Merchandising Practices, each a Class D, Felony in violation of § 407.020, RSMo.² By his guilty plea, Franklin admitted his conduct as charged in the Indictment, specifically that he “willfully and knowingly used a misrepresentation of a material fact or willfully and knowingly concealed a material fact in connection with the sale of merchandise ... when in fact no such merchandise was delivered and the money was not returned.” The court suspended imposition of a sentence, instead ordering probation and restitution of \$460,000. *State v. Franklin David Comer*, St. Charles Co. Cir. Ct., Case No. 04CR-127307 (“*State v. Comer*”).
6. Franklin is Ronald’s father, and also an owner/director of Insurance For You.
7. Insurance For You also answered “No” to Background Information Question 2 of the Application which asked, in relevant part:

Has the business entity or any owner, partner, officer or director of the business entity ... ever been named or involved as a party in an administrative proceeding ... regarding any professional or occupational license, or registration?

“Involved” means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. “Involved” also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license or registration.

8. On March 31, 2011, the Director of the Department issued an administrative order refusing to grant an insurance producer license to Franklin. *In re Franklin David Comer*, DIFP Case No. 110104004C (“*Comer I*”).
9. On February 4, 2014, the Director of the Department issued an administrative order refusing to grant a motor vehicle extended service contract producer license to Franklin. *In re Franklin D. Comer*, DIFP Case No. 205638 (“*Comer II*”).
10. On September 10, 2014, the Director of the Department issued a second administrative

² All criminal statutory references are to those contained in the version of the Missouri Revised Statutes pursuant to which the judgment was rendered.

order refusing to grant a motor vehicle extended service contract producer license to Franklin. *In re Franklin D. Comer*, DIFP Case No. 140729580C (“*Comer III*”).

11. On December 28, 2016, the Director of the Department issued an administrative order pursuant to which Ronald forfeited a sum of money in settlement of allegations by the Consumer Affairs Division (“Division”) regarding his insurance business. *In re Ronald Comer*, DIFP Case No. 262769 (“*Comer IV*”).
12. Insurance For You also answered “No” to Background Information Question 4 of the Application which asked, in relevant part: “Has the business entity or any owner, partner, officer or director of the business entity ... ever been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?”
13. On September 30, 2016, the Cole County Circuit Court entered a judgment against Ronald for an unpaid \$21,397.43 “assessment of tax, interest, additions to tax, penalties, and fees [which] have been made and become final” regarding his 2012 individual income tax. *Dep’t of Revenue v. Ronald D. Comer*, Cole Co. Cir. Ct., Case No. 16AC-MC00517.
14. On June 16, 2017, the Cole County Circuit Court entered a judgment against Ronald for an unpaid \$20,448.25 “assessment of tax, interest, additions to tax, penalties, and fees [which] have been made and become final” regarding his 2013 individual income tax. *Dep’t of Revenue v. Ronald D. Comer*, Cole Co. Cir. Ct., Case No. 17AC-MC00235.
15. On September 27, 2017, Special Investigator Jodi Lehman with the Division sent Insurance For You an inquiry letter pursuant to 20 CSR 100-4.100, asking why it hadn’t disclosed on its Application the matter of *Comer IV* or Ronald’s tax delinquencies, as required.
16. On October 2, 2017, Ronald provided his response to the Division’s inquiry, stating in part: “My tax liens with the state of Missouri, along with other creditors, are on a repayment plan through the Chapter 13 Bankruptcy.” He also provided the citation for the case.
17. On July 10, 2017, Ronald had filed for bankruptcy. In his scheduled debts filed under penalty of perjury on August 3, 2017, he listed a noncontingent, undisputed \$41,850 liability to the Missouri Department of Revenue for “Taxes and ... Judgments[.]”³ As of December 19, 2017, no repayment plan had ever been approved in the proceeding, which is known as *In re Ronald David Comer*, U.S. Bankr. Ct., W.D. Mo., Case No. 17-20681-drd-13.

³ The slight discrepancy between the sum of the Cole County judgments and the amount admitted in bankruptcy filings may be due to the fact that, as noted in the judgments themselves, “Interest continues to accrue as provided by law until the full amount of the tax liability is paid.” See § 143.731.

18. Ronald, on behalf of Insurance For You and as a condition of submission, accepted the Application's Certification and Attestation section which provided, in relevant part:

All of the information submitted in this application and attachments is true and complete and I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license or registration revocation and may subject me and the business entity or limited liability company to civil or criminal penalties.

* * *

I acknowledge that I understand and comply with the insurance laws and regulations of the jurisdiction[] to which I am applying for licensure/registration.

* * *

I certify that the Designated Responsible Licensed Producer(s) named on this application understands that he/she is responsible for the business entity's compliance with the insurance laws, rules and regulation of the State.

19. It is inferable, and hereby found as fact, that Ronald, on behalf of Insurance For You, chose not to disclose the prior administrative actions of *Comer I*, *Comer II*, *Comer III*, and *Comer IV* in response to Background Information Question 2 of the Application in order to mislead the Director regarding the qualifications of Insurance For You and its owners/directors, and thereby increase the odds that the Director would approve the Application and grant Insurance For You a business entity insurance producer license.
20. It is inferable, and hereby found as fact, that Ronald, on behalf of Insurance For You, chose not to disclose his Missouri tax delinquency in response to Background Information Question 4 of the Application in order to mislead the Director regarding the qualifications of Insurance For You and Ronald as its designated responsible licensed producer, and thereby increase the odds that the Director would approve the Application and grant Insurance For You a business entity insurance producer license.
21. It is inferable, and hereby found as fact, that Ronald, on behalf of Insurance For You, chose not to disclose the prosecution of *State v. Comer* in response to Background Information Questions 1B and 5 of the Application in order to mislead the Director regarding the qualifications of Insurance For You and Franklin as an owner/director, and thereby increase the odds that the Director would approve the Application and grant Insurance For You a business entity insurance producer license.

CONCLUSIONS OF LAW

22. Section 375.015.2, RSMo⁴ provides:

A business entity acting as an insurance producer is required to obtain an insurance producer license. Application shall be made using the uniform business entity application. Before approving the application, the director shall find that:

- (1) The business entity has paid a license fee in the sum of one hundred dollars;
- (2) The business entity has designated a licensed individual insurance producer to be responsible for compliance with the insurance laws, rules and regulations of this state by the business entity; and
- (3) Neither the business entity nor any of its officers, directors or owners has committed any act that is a ground for denial, suspension or revocation set forth in section 375.141.

23. In turn, § 375.141.1 provides, 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;
- * * *
- (7) Having admitted or been found to have committed any insurance unfair trade practice or fraud; [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[.]

⁴ All civil statutory references are to the 2016 Missouri Revised Statutes.

24. Section 374.210.1 is an insurance law and provides:

It is unlawful for any person in any investigation, examination, inquiry, or other proceeding under this chapter, chapter 354, or chapters 375 to 385, to:

(1) Knowingly make or cause to be made a false statement upon oath or affirmation or in any record that is submitted to the director or used in any proceeding under this chapter, chapter 354, and chapters 375 to 385; or

(2) Make any false certificate or entry or memorandum upon any of the books or papers of any insurance company, or upon any statement or exhibit offered, filed or offered to be filed in the department, or used in the course of any examination, inquiry, or investigation under this chapter, chapter 354 and chapters 375 to 385.

25. “A plea of guilty is an admission as to the facts alleged in the information.” *Milligan v. State*, 772 S.W.2d 736, 739 (Mo. App. W.D. 1989).

26. The Director may refuse to issue a business entity insurance producer license to Insurance For You pursuant to §§ 375.015.2(3) & 375.141.1(1) because Ronald, an officer/director of Insurance For You, intentionally provided materially incorrect, misleading, incomplete, or untrue information in the Application by failing to disclose as required his tax delinquencies and the matters known as *Comer I*, *Comer II*, *Comer III*, *Comer IV*, and *State v. Comer*.

27. The Director may refuse to issue a business entity insurance producer license to Insurance For You pursuant to §§ 375.015.2(3) & 375.141.1(2) because Ronald, an officer/director of Insurance For You and its designated responsible licensed producer, violated an insurance law, specifically § 374.210.1, when he falsely stated that his Missouri tax delinquencies were the subject of a repayment agreement through his bankruptcy case.

28. The Director may refuse to issue a business entity insurance producer license to Insurance For You pursuant to §§ 375.015.2(3) & 375.141.1(3) because it attempted to obtain a license through material misrepresentation or fraud by failing to disclose on its Application, as required, Ronald’s tax delinquencies and the matters known as *Comer I*, *Comer II*, *Comer III*, *Comer IV*, and *State v. Comer*.

29. The Director may refuse to issue a business entity insurance producer license to Insurance For You pursuant to §§ 375.015.2(3) & 375.141.1(7) because Franklin, an officer/director of Insurance For You, admitted having committed fraud by his guilty plea in the prosecution known as *State v. Comer*.

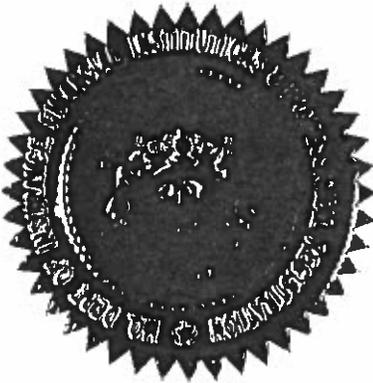
- 30. The Director may refuse to issue a business entity insurance producer license to Insurance For You pursuant to §§ 375.015.2(3) & 375.141.1(8) because Franklin, an officer/director of Insurance For You, used fraudulent or dishonest practices, or demonstrated untrustworthiness or financial irresponsibility in the conduct of business, as reflected by the prosecution known as *State v. Comer*.
- 31. The Director has considered Insurance For You, Ronald, and Franklin's history and all of the circumstances surrounding Insurance For You's Application. Issuing Insurance For You a business entity insurance producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Insurance For You a business entity insurance producer license.
- 32. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the business entity insurance producer license application of **Insurance For You, Inc.** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 10th DAY OF January, 2018.



Chlora Lindley Myers

CHLORA LINDLEY-MYERS
DIRECTOR, Missouri Department of Insurance,
Financial Institutions and Professional Registration

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.

[The remainder of this page intentionally left blank]

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Insurance For You, Inc.
8850 Highway DD
O'Fallon, Missouri 63368-6505

No. 1Z0R15W84294194236


Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov