



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In re:

JESSE RAY GORE,

Respondent.

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Case No. 141003687C

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 Jesse Ray Gore 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.

¹ All statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2014 Supplement, unless otherwise indicated.

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 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 Jesse Ray Gore (“Gore”) an individual non-resident insurance producer license (License No. 8079104) on August 29, 2011. Gore’s license expired on August 29, 2013.

4. Insurance producers may reinstate an expired license if the producer provides proof to the Department that they have met continuing education requirements and pays a penalty of \$25.00 per month that the license was expired in addition to the requisite renewal fees. Section 375.018.4.

5. In November 2013, the Department received a personal check from Gore (Check #1008), payable to “DISP INSURANCE,” in the amount of \$175.00. The Memo line of the check states “License Renewal and Residency change.” The check comprised \$100.00 to renew Gore’s insurance producer license and \$75.00 in late fees.

6. On November 25, 2013, the Department, relying on Gore’s check, renewed Gore’s individual non-resident insurance producer license. In March 2014, Gore changed his residency to Missouri.

7. The Division seeks to discipline Gore’s individual resident insurance producer license and alleges the following:

a. The Department attempted to deposit Gore’s check in the amount of \$175.00, but it was returned by the bank for insufficient funds.

b. As a result, Special Investigator Alicia Edmonson, with the Division, sent an inquiry letter to Gore dated April 9, 2014, notifying him about the insufficiently funded check and requesting that he remit payment to the Department in the amount of \$175.00. The inquiry letter requested a response within twenty (20) days of the inquiry letter's postmark date and further warned Gore that a failure to respond to the inquiry letter could result in discipline to his insurance producer license.

c. The United States Postal Service did not return the April 9, 2014 inquiry letter to the Department, and therefore it is presumed delivered.

d. Gore did not respond to the April 9, 2014 inquiry letter, he did not remit payment to the Department, and he failed to demonstrate a reasonable justification for the delay.

e. Special Investigator Edmonson sent a second inquiry letter to Gore dated May 2, 2014, notifying him about the insufficiently funded check and requesting that he remit payment to the Department in the amount of \$175.00. The inquiry letter requested a response within twenty (20) days of the inquiry letter's postmark date and further warned Gore that a failure to respond to the inquiry letter could result in discipline to his insurance producer license.

f. The United States Postal Service did not return the May 2, 2014 inquiry letter to the Department, and therefore it is presumed delivered.

g. Gore did not respond to the May 2, 2014 inquiry letter, he did not remit payment to the Department, and he failed to demonstrate a reasonable justification for the delay.

h. On July 18, 2014, the Director issued a subpoena to Gore, ordering his attendance at an August 11, 2014 subpoena conference. The subpoena was sent to Gore via certified mail and first class mail.

i. The subpoena sent by certified mail was accepted and signed for by "Kim Gore." The United States Postal Service did not return the subpoena sent by first class mail as undeliverable and therefore, it is presumed to have been received by Gore.

j. On August 5, 2014, Gore contacted Special Investigator Edmonson and stated that he would not be able to attend the subpoena conference and also stated that he wished to pay the delinquent amount. Special Investigator Edmonson stated that she would call Gore back with the details on how he could remit payment to the Department

k. Special Investigator Edmonson called Gore twice on August 6, 2014, but was unable to reach him.

l. Gore did not return either of Special Investigator Edmonson's August 6, 2014 phone calls.

m. Special Investigator Edmonson called Gore on August 8, 2014 to discuss his payment options and left a message informing Gore that failure to return her calls meant the subpoena conference would continue as scheduled and his presence was still required.

n. Gore did not return Special Investigator Edmonson's August 8, 2014 phone call.

o. Gore did not appear as ordered by the subpoena at the August 11, 2014 subpoena conference.

p. To date, Gore has not paid the Department for his renewal fee and late fees.

8. In light of these facts, Gore's resident insurance producer license is subject to discipline pursuant to:

a. Section 375.141.1(2) because Gore violated a subpoena of the Director when he failed to appear at the August 11, 2014 subpoena conference.

b. Section 375.141.1(2) because Gore violated a Department regulation, namely 20 CSR 100-4.100(2)(A), when he failed to adequately respond to two (2) inquiry letters from the Division and failed to provide a reasonable justification for the delay.

c. Section 375.141.1(3) because Gore obtained an insurance producer license through material misrepresentation or fraud when Gore misrepresented that the check he supplied the Department was written on an account with sufficient funds, and his material misrepresentation caused the Department to renew his insurance producer license based on his apparent payment of the renewal fee and applicable late fees.

9. Gore agrees that the facts contained in this Consent Order constitute grounds to discipline his insurance producer license pursuant to § 375.141.1(2) and (3).

10. Gore and the Division desire to settle the allegations raised by the Division.

11. On or about December 10, 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 Gore that he had sixty (60) days to review the relevant documents and consider the proposed settlement offer in accordance with § 621.045.4(2).

12. Gore 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 Gore's individual resident insurance producer license.

13. Except as provided in paragraph 12 above, Gore 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.

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

15. Gore acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Gore further acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications in this state and in other jurisdictions and that it is his

responsibility to comply with the reporting requirements of each state in which he is licensed.

16. 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

17. 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;

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud[.]

18. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, 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.

19. "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).

20. The allegations raised by the Division, and admitted to herein by Gore, are grounds to discipline Gore's individual resident insurance producer license pursuant to § 375.141.1(2) and (3).

21. 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.

22. 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 Jesse Ray Gore's individual resident insurance producer license (License No. 8079104) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 29th **DAY**
OF JANUARY, 2015.




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 Jesse Ray Gore has a right to a hearing, but that Jesse Ray Gore waived the hearing and consented to the issuance of this Consent Order.



Jesse Ray Gore
605 East 5th Street
Kennett, Missouri 63857
Telephone: (870) 882-2273
Respondent

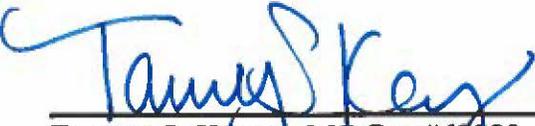
1-1-15

Date

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

Telephone: _____
Facsimile: _____

Date



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1/27/15

Date