



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

MARVIN ELDON McDOUGAL,

Renewal Applicant.

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Case No. 13-0604342C

ORDER REFUSING TO RENEW AN INSURANCE PRODUCER LICENSE

On August 5, 2013, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to renew Marvin Eldon McDougal's individual non-resident insurance producer license. 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. Marvin Eldon McDougal ("McDougal"), is a California resident with a residential address of 2506 Michaelangelo Drive, Stockton, California 95207 and a mailing address of P.O. Box 7095, Stockton, California 95267.
2. The Department of Insurance, Financial Institutions, and Professional Registration ("Department") issued McDougal an individual non-resident insurance producer license (License No. 0278191) on August 11, 1999, which was most recently renewed September 21, 2011.
3. The Department also issued McDougal a surplus lines producer license (License No. 0278191) on April 19, 2004, which was most recently renewed April 20, 2012 and is set to expire April 19, 2014.
4. The Department received McDougal's Renewal Application for Individual Non-Resident Producer License/Registration ("Application") on or about July 8, 2013.
5. Through its investigation, the Consumer Affairs Division ("Division") discovered the following administrative action taken against McDougal in another state:
 - a. On or about December 20, 2012, the Kansas Insurance Department entered a Summary Order revoking McDougal's non-resident insurance agent's license and non-resident excess lines insurance agent's license as a result of

McDougal's failure to file annual statements and pay excess lines premium tax due by the due dates for tax years 2010 and 2011 in violation of K.S.A. 40-246c, violating an order of the commissioner, using a dishonest practice in collecting but failing to pay excess lines premium tax, and demonstrating untrustworthiness and financial irresponsibility in his dealings with the Kansas Insurance Department during the 2010 and 2011 tax years.¹ *In the Matter of the Kansas Nonresident Insurance Agent's License of Marvin E. McDougal, and The Kansas Nonresident Insurance Agency License of Automotive Risk Management*, Docket Nos. 4543-SO and 4544-SO (January 7, 2013).

- b. The December 20, 2012 Summary Order became final on January 7, 2013. *Id.*

CONCLUSIONS OF LAW

6. Section 375.141 RSMo (Supp. 2012)² 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:

* * *

- (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or another insurance commissioner in another state;

* * *

- (9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory[.]

7. The principal purpose of § 375.141 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).
8. Renewal of McDougal's individual non-resident insurance producer license may be refused pursuant to § 375.141.1(9) because his insurance producer license, or its equivalent, was revoked in another state, namely Kansas, to wit:

¹ The Kansas Summary Order also revoked the Kansas non-resident insurance agency license of Automotive Risk Management & Insurance Services, Inc. McDougal was the agent identified in the Kansas Insurance Department's records as Automotive Risk Management & Insurance Services, Inc.'s agency contact and the Kansas licensed agent responsible for compliance with the insurance laws and regulations of Kansas. Similarly in Missouri, the Department's records indicate that McDougal is the owner/officer of Automotive Risk Management & Insurance Services, Inc. and is listed as thier Designated Responsible Licensed Producer.

² All statutory references are to RSMo (2000) as updated by RSMo (Supp. 2012) unless otherwise noted.

- a. *In the Matter of the Kansas Nonresident Insurance Agent's License of Marvin E. McDougal, and The Kansas Nonresident Insurance Agency License of Automotive Risk Management*, Docket Nos. 4543-SO and 4544-SO (January 7, 2013) (Revocation for failure to file annual statements and pay excess lines premium tax due by the due dates for tax years 2010 and 2011 in violation of K.S.A. 40-246c, violating an order of the commissioner, using a dishonest practice in collecting but failing to pay excess lines premium tax, and demonstrating untrustworthiness and financial irresponsibility in his dealings with the Kansas Insurance Department during the 2010 and 2011 tax years).
9. Renewal of McDougal's individual non-resident insurance producer license may be refused pursuant to § 375.141.1(2) because he violated an insurance law of another state, namely K.S.A. 40-246c, when he failed to file annual statements and pay excess lines premium tax due by the due dates for tax years 2010 and 2011. *See In the Matter of the Kansas Nonresident Insurance Agent's License of Marvin E. McDougal, and The Kansas Nonresident Insurance Agency License of Automotive Risk Management*, Docket Nos. 4543-SO and 4544-SO (January 7, 2013).
10. The Director has considered McDougal's history and all of the circumstances surrounding McDougal's Application. Renewing McDougal's individual non-resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to renew McDougal's individual non-resident insurance producer license.
11. This Order is in the public interest.

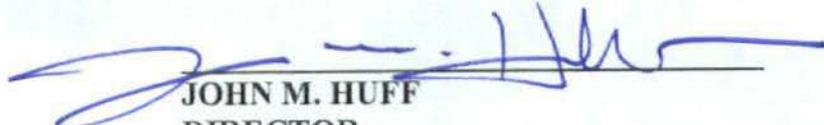
ORDER

IT IS THEREFORE ORDERED that the individual non-resident insurance producer license renewal application of **Marvin Eldon McDougal** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 5TH DAY OF AUGUST, 2013.




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 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.

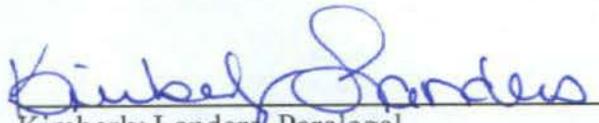
CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of August, 2013 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular mail and UPS, No. 1Z0R15W84290751515, at the following address:

Marvin Eldon McDougal
2506 Michaelangelo Drive
Stockton, California 95207

The foregoing Order and Notice were also served upon Applicant in this matter by regular mail and certified mail, No. 7009-0080-0000-1907-6825, at the following address:

Marvin Eldon McDougal
P.O. Box 7095
Stockton, California 95267



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