



**DEPARTMENT OF COMMERCE AND INSURANCE**

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

IN RE: )  
 )  
LARRY RAY MADEN, ) Case No. 2104230750C  
 )  
Applicant. )

**ORDER REFUSING TO ISSUE**  
**AN INSURANCE PRODUCER LICENSE**

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance (“Director” of the “Department”), takes up the above matter for consideration and disposition. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Larry Ray Maden (“Maden”) is an Illinois resident with a residential and mailing address of 85 Spring Glen, Collinsville, Illinois 62234.
2. On December 10, 2020, the Department received Maden’s non-resident insurance producer license application (“December 2020 Application”).
3. Question 2 in the Background Questions section of the December 2020 Application asks:

Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupation 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. "Involved" also means having a license, or registration application denied or the act of withdrawing an application to avoid a denial...If you answer yes, you must attach to this application: a) a written statement identifying the type of license and explaining the circumstances of each incident, b) a copy of the Notice of Hearing or other document that states the charges and allegations, and c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

4. Maden answered "Yes" to Question 2 in the Background Questions section of the December 2020 Application and submitted to the Department a copy of the Findings of Fact, Conclusions of Law and Order of Discipline issued by the Director of the Department on September 20, 2005 in which Maden's insurance producer license was revoked. *In re: Larry Maden and Blue Ribbon Agency*, MDI Case No. 04-0513533C.
5. An investigation conducted by the Department's Consumer Affairs Division confirmed that Maden had his insurance producer license revoked by the Director of the Department, then known as the Missouri Department of Insurance, on September 20, 2005. *In re: Larry Maden and Blue Ribbon Agency*, MDI Case No. 04-0513533C.
6. The revocation of Maden's insurance producer license by the Director occurred after the Missouri Administrative Hearing Commission ("AHC") determined that the Director had cause to discipline Maden's insurance producer license. *Director of Ins. v. Larry R. Maden and Blue Ribbon Agency, Inc.*, No. 04-1302 DI (Mo. Admin. Hrg. Comm'n June 14, 2005). On September 23, 2004, the Director filed a complaint with the AHC seeking discipline of Maden's license. *Id.* On October 2, 2004, Maden was served by certified mail with the complaint and notice of hearing. *Id.* And on March 7, 2005, the AHC held a hearing on the complaint, but Maden failed to appear. *Id.*
7. In its Decision, the AHC determined that cause to discipline existed for the following reasons:

- a. Cause existed under § 375.141.1(4), RSMo 2000,<sup>1</sup> because Maden showed a lack of trustworthiness and a lack of competence when he failed to forward homeowners' insurance premiums to the insurer in 2002. The AHC found that between February 14, 2002 and December 9, 2002, Maden accepted \$8,074.96 from homeowners intended to be used for the payment of premiums, but failed to forward the money to Civic Property & Casualty Company ("Civic"), the insurer. *Id.*
- b. Cause existed under § 375.141.1(5), RSMo 2000,<sup>2</sup> because Maden misappropriated homeowners' insurance premiums in 2002. The AHC found that the bank account that Maden used to deposit the aforementioned \$8,074.96 fell below a balance of \$0.00 on 22 different days in 2002, which indicated that Maden spent and used the money for purposes other than the intended payment of premiums. *Id.*
- c. Cause existed under § 375.141.1(4), RSMo 2016,<sup>3</sup> because Maden withheld homeowners' insurance premiums from the insurer in 2003. The AHC found that after Maden ceased operating his insurance agency, Blue Ribbon Agency, Inc., in January 2003, he failed in 2003 to pay any of the premiums due to Civic. *Id.*
- d. Cause existed under § 375.141.1(2), RSMo 2016,<sup>4</sup> because Maden violated a subpoena of the Director and failed to respond to letters of the

---

<sup>1</sup> Section 375.141.1(4), RSMo 2000, states that the Director may revoke or refuse the license of any insurance agent (now known as an insurance producer) if that agent "[d]emonstrated [a] lack of trustworthiness or competence[.]" The AHC used this version of the statute "because it was the substantive law when Maden engaged in the conduct for which the Director seeks discipline." *Director of Ins. v. Larry R. Maden and Blue Ribbon Agency, Inc.*, No. 04-1302 DI (Mo. Admin. Hrg. Comm'n June 14, 2005). Here, Maden failed to forward premium in 2002; the current version of the statute was not effective until January 1, 2003.

<sup>2</sup> Section 375.141.1(5), RSMo 2000, states that the Director may revoke the license of any insurance agent (now known as an insurance producer) if the agent "[m]isappropriated or converted to his, her or its own use or illegally withheld money belonging to an insurance company, its agent, or to an insured or beneficiary or prospective insurance buyer[.]" Again, because the conduct occurred in 2002, the AHC used the 2000 version of the statute. *See* n. 1.

<sup>3</sup> Section 375.141.1(4), RSMo 2016, states that the Director may revoke an insurance producer license for "[i]mproperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business[.]" Because this conduct occurred in 2003, and because the most recent version of § 375.141 (*i.e.*, the version in RSMo 2016) became effective beginning on January 1, 2003, the AHC "appl[ie]d the statutes effective when the substantive conduct occurred." *Director of Ins. v. Larry R. Maden and Blue Ribbon Agency, Inc.*, No. 04-1302 DI (Mo. Admin. Hrg. Comm'n June 14, 2005).

<sup>4</sup> Section 375.141.1(2), RSMo 2016, states that the Director may revoke an insurance producer license for "[v]iolating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state[.]" Again, because the conduct occurred in 2003, the AHC used the current version of the statute, RSMo 2016, which has been in effect since January 1, 2003.

Director. The AHC found that Maden violated a subpoena of the Director when he failed to produce requested bank records for his practice as an insurance producer at a subpoena conference held on May 15, 2003. The AHC also determined that Maden failed to respond to four letters of the Director (the letters were dated March 3, 2003, April 14, 2003, April 23, 2003, and April 25, 2003). *Id.*

### CONCLUSIONS OF LAW

8. Section 375.141.1, RSMo 2000, provides, in part:

The director may revoke or suspend, for such period as he or she may determine, any license of any insurance agent, agency or broker if it is determined as provided by sections 621.045 to 621.198, RSMo, that the licensee or applicant has, at any time, or if an insurance agency, the officers, owners or managers thereof have:

\* \* \*

(4) Demonstrated lack of trustworthiness or competence; [or]

(5) Misappropriated or converted to his, her or its own use or illegally withheld money belonging to an insurance company, its agent, or to an insured or beneficiary or prospective insurance buyer[.]

9. Section 375.141.1, RSMo 2016, provides, in 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:

\* \* \*

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

\* \* \*

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

10. The Director may refuse to issue Maden a non-resident insurance producer license under § 375.141.1(4), RSMo 2000, because he showed a lack of trustworthiness and competence when he failed to forward \$8,074.96 worth of homeowners' insurance premiums to the insurer in 2002. *Director of Ins. v. Larry R. Maden and Blue Ribbon Agency, Inc.*, No. 04-1302 DI (Mo. Admin. Hrg. Comm'n June 14, 2005).
11. The Director may refuse to issue Maden a non-resident insurance producer license under § 375.141.1(5), RSMo 2000, because he misappropriated homeowners' insurance premiums in 2002. *Director of Ins. v. Larry R. Maden and Blue Ribbon Agency, Inc.*, No. 04-1302 DI (Mo. Admin. Hrg. Comm'n June 14, 2005).
12. The Director may refuse to issue Maden a non-resident insurance producer license under § 375.141.1(4), RSMo 2016, because he withheld homeowners' insurance premiums from the insurer in 2003. *Director of Ins. v. Larry R. Maden and Blue Ribbon Agency, Inc.*, No. 04-1302 DI (Mo. Admin. Hrg. Comm'n June 14, 2005).
13. The Director may refuse to issue Maden a non-resident insurance producer license under § 375.141.1(2), RSMo 2016, because he failed to respond to four letters of the Director and violated a subpoena of the Director when he failed to produce requested bank records for a subpoena conference. *Director of Ins. v. Larry R. Maden and Blue Ribbon Agency, Inc.*, No. 04-1302 DI (Mo. Admin. Hrg. Comm'n June 14, 2005).
14. Each time Maden violated a regulation or subpoena of the Director constitutes separate and sufficient cause to refuse to issue a non-resident insurance producer license to Maden under § 375.141.1(2).
15. Maden is collaterally estopped from attempting to explain, minimize or deny the findings and conclusions of the AHC in its Decision issued on June 14, 2005 (*Director of Ins. v. Larry R. Maden and Blue Ribbon Agency, Inc.*, No. 04-1302 DI (Mo. Admin. Hrg. Comm'n June 14, 2005)), because he had a full and fair opportunity to litigate them previously. *See Missouri Board of Pharmacy v. Tadrus*, 926 S.W.2d 132, 135 (Mo. App., W.D. 1996) (under the doctrine of collateral estoppel, a party cannot re-litigate issues of fact and law where he had a full and fair opportunity to litigate them previously).
16. The Director has considered Maden's history and all of the circumstances surrounding Maden's December 2020 Application. Issuing an insurance producer license to Maden would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Maden a non-resident insurance producer license.

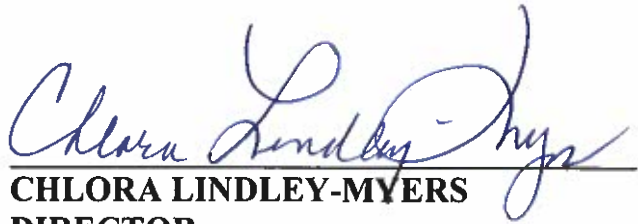
17. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the insurance producer license Application of **Larry Ray Maden** is hereby **REFUSED**.

**SO ORDERED. WITNESS MY HAND THIS** 17<sup>th</sup> **DAY OF**  
August, 2022.



  
**CHLORA LINDLEY-MYERS**  
**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.

[The remainder of this page intentionally left blank.]

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of August, 2022, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following addresses:

Larry Ray Maden  
85 Spring Glen  
Collinsville, Illinois 62234

Tracking No. 1Z0R15W84293358089



Kathryn Latimer, Paralegal  
Missouri Department of Commerce  
and Insurance  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: Kathryn.latimer@insurance.mo.gov