



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

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

In re:)
)
RICKY GENE SKIDMORE,) Case No. 150818401C
)
Respondent.)

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 Shelly Krueger, and Respondent Ricky Gene Skidmore have reached a settlement in this matter and Respondent has 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 civil statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

2. The Consumer Affairs Division of the Department (“Division”) 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 Respondent Ricky Gene Skidmore (“Skidmore”) a non-resident insurance producer license (No. 0419611) on June 20, 2008. Skidmore’s non-resident insurance producer license was converted to a resident insurance producer license on April 1, 2009. After subsequent renewals, Skidmore’s resident insurance producer license is set to expire on June 20, 2016.

4. The Director seeks discipline of Respondent Skidmore’s resident insurance producer license and alleges the following:

a. Skidmore worked for Combined Insurance Company (“Combined Insurance”) until Skidmore’s employment was terminated “for cause” as a result of an internal investigation which indicated Skidmore intentionally violated numerous Combined Insurance policies and guidelines and impersonated an insured identified as [D. F].²

b. Skidmore engaged in “up selling” wherein he, with consumers, contacted Combined Insurance to cancel existing policies, and replace them with new policies. This activity is known as churning in the insurance industry.

c. Skidmore made several unsuccessful attempts to cancel and replace policies of D. F. Combined Insurance halted those transactions. However, Skidmore later contacted Combined Insurance and impersonated D. F. As a result of Skidmore’s

² The identity of the consumer has been protected by the use of initials.

actions, D. F. had one policy cancelled but it was not reinstated because D. F. no longer qualified for that type of policy.

d. Skidmore admitted to Combined Insurance that he placed a phone call to the insurer and impersonated D. F.

e. Consumer D. F. suffered harm as he was left with less coverage than before Skidmore's actions.

5. On September 24, 2013, Skidmore was charged with Domestic Assault, 2nd Degree, a Class C Felony, in violation of § 565.073.³ *State v. Ricky Gene Skidmore*, Stone Co. Cir. Ct., Case No. 13SN-CR01085-03.⁴

a. Skidmore failed to report the criminal prosecution for his felony Domestic Assault, 2nd Degree charge to the Director within thirty (30) days of his initial pretrial hearing date and failed to provide a copy of the indictment or information filed, or any other relevant legal documents at any time during the criminal proceedings.

b. Skidmore never reported his felony criminal prosecution for Domestic Assault, 2nd Degree to the Director and never provided a copy of the indictment or information filed, or any other relevant legal documents.

6. On March 5, 2014, Skidmore was charged with two counts of Tampering With a Witness, a Class C Felony, in violation of § 575.270. *State v. Ricky Gene Skidmore*, Stone Co. Cir. Ct., Case No. 14SN-CR00195-01.

³ All references to criminal statutes are to the Missouri Revised Statutes under which Skidmore was originally charged or entered his Alford plea.

⁴ On July 6, 2015, assistant prosecuting attorney of Stone County, Missouri filed a Notice of Nolle Prosequi in Skidmore's felony Domestic Assault, 2nd Degree case. *State v. Ricky Gene Skidmore*, Stone Co. Cir. Ct., Case No. 13SN-CR01085-03.

- a. On July 6, 2015, Skidmore entered an Alford plea to Count II of the First Amended Information which amended the aforementioned felony charges of Tampering With a Witness, to Class A Misdemeanors, in violation of § 575.270. *State v. Ricky Gene Skidmore*, Stone Co. Cir. Ct., Case No. 14SN-CR00195-01. *Id.* The court suspended imposition of sentence and placed Skidmore on unsupervised probation for one year, ordered Skidmore to pay fines and court costs, and to have no contact with two persons. *Id.*
 - b. Skidmore failed to report his criminal prosecution for two felony counts of Tampering With a Witness, which are also crimes involving moral turpitude, within thirty (30) days of his initial pretrial hearing date, and failed to provide a copy of the indictment or information filed, or any other relevant legal documents at any time during the criminal proceedings.
 - c. Skidmore never reported his prosecution for two felony counts of Tampering With a Witness, which are also crimes involving moral turpitude, and never provided a copy of the indictment or information filed, or any other relevant legal documents.
7. On or about June 19, 2014, Skidmore submitted a resident insurance producer license renewal application (“2014 Renewal Application”) to the Department.
- a. Background Question No. 1B of Skidmore’s 2014 Renewal Application asks, in relevant part: “Have you been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department?”

b. Skidmore answered “No” to Background Question No. 1B. Skidmore did not disclose his three pending felony criminal charges on his 2014 Renewal Application.

c. Relying on Skidmore’s misrepresentation and omission of material facts on his 2014 Renewal Application, the Department renewed Skidmore’s resident insurance producer license on June 21, 2014.

8. On or about April 24, 2015, the Missouri Department of Revenue filed a Certificate of Tax Lien – Individual Income Tax with the Stone County Circuit Court for the 2011 and 2013 tax filing years as follows:

The Director of Revenue, under Section 143.902, RSMo, hereby certifies that the following assessment of tax, interest, additions to tax, penalties, and fees have been made and become final [in the amount of \$1,678.63]. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

* * *

Under Section 143.902, RSMo, the certificate of lien filed with the Recorder of Deeds shall be a lien against all real and personal property of the debtor(s) listed above and all real and personal property acquired by manner after the filing of this lien. Under Section 143.902, RSMo, the certificate of lien filed with the circuit clerk of the circuit court shall have the full force and effect of a default judgment upon entry in the record of the circuit court and execution shall issue at the request of the Director of Revenue or agent as provided in the case of all other judgments.

Certificate of Tax Lien – Individual Income Tax, *In re Ricky G. Skidmore*, Stone Co. Cir. Ct., Case No. 15SN-MC00123.

9. The Missouri Department of Revenue’s Certificate of Tax Lien – Individual Income Tax entered against Skidmore in Case No. 15SN-MC00123 remains unsatisfied.

10. Skidmore acknowledges and understands that under § 375.141.1(1) the Director may discipline his resident insurance producer license because Skidmore intentionally provided

materially incorrect, misleading, incomplete or untrue information on his 2014 Renewal Application when he failed to disclose his pending felony charges related to *State v. Ricky Gene Skidmore*, Stone Co. Cir. Ct., Case No. 13SN-CR01085-03 and *State v. Ricky Gene Skidmore*, Stone Co. Cir. Ct., Case No. 14SN-CR00195-01 in response to Background Question No. 1B.

11. Skidmore acknowledges and understands that under § 375.141.1(2) the Director may discipline his resident insurance producer license because Skidmore violated an insurance law, specifically § 375.141.7, when he failed to report to the Director the criminal prosecution for his felony charge of Domestic Assault, 2nd Degree within thirty days of his initial pretrial hearing date.

12. Skidmore acknowledges and understands that under § 375.141.1(2) the Director may discipline his resident insurance producer license because Skidmore violated an insurance law, specifically § 375.141.7, when he failed to report to the Director his criminal prosecution for two felony charges of Tampering With a Witness, which is also a crime involving moral turpitude, within thirty days of his initial pretrial hearing date.

13. Skidmore acknowledges and understands that each prosecution for a felony or a crime involving moral turpitude that he failed to report, in violation of § 375.141.7, is a separate and sufficient cause for discipline of Skidmore's resident insurance producer license pursuant to § 375.141.1(2).

14. Skidmore acknowledges and understands that under § 375.141.1(2) the Director may discipline his resident insurance producer license because Skidmore violated an insurance law, specifically § 375.144.(4), when he engaged in any act, practice, or course of business which operated as a fraud or deceit upon any person.

15. Skidmore acknowledges and understands that under § 375.141.1(3) the Director may discipline his resident insurance producer license because Skidmore obtained his resident insurance producer license through material misrepresentation or fraud.

16. Skidmore acknowledges and understands that under § 375.141.1(8) the Director may discipline his resident insurance producer license because Skidmore used fraudulent or dishonest practices or demonstrated incompetence or untrustworthiness in the conduct of business when he engaged in “up selling” or churning activity, impersonated an insured identified as D. F. during a phone call to D.F.’s insurer and in D. F.’s case, left the customer with less insurance coverage than before Skidmore’s actions.

17. Skidmore acknowledges and understands that under § 375.141.1(14) the Director may discipline his resident insurance producer license because Skidmore has failed to comply with an administrative or court order directing payment of state income tax to wit:

- a. Certificate of Tax Lien–Individual Income Tax, *In re Ricky G. Skidmore*, Stone Co. Cir. Ct., Case No. 15SN-MC00123.

18. Skidmore agrees that these facts constitute grounds to discipline his resident insurance producer license pursuant to § 375.141.1(1), (2), (3), (8), and (14).

19. Skidmore and the Division desire to settle the allegations raised by the Division.

20. On or about February 4, 2016, counsel for the Division provided a written description of the specific conduct for which discipline was sought and a citation to the law 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 Skidmore that he had sixty (60) days to review the

relevant documents and consider the proposed settlement offer in accordance with § 621.045.4(2).

21. Skidmore 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 hereby constitute grounds for disciplining Skidmore's insurance producer license.

22. Except as provided in paragraph 21 above, Skidmore 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 releases and holds 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.

23. Skidmore acknowledges and understands that he has the right to consult legal counsel at his own expense.

24. Skidmore acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Skidmore further acknowledges and understands that this administrative action should be disclosed on future license applications and renewal applications and that it is his responsibility to comply with the reporting requirements of each state in which he may be licensed.

25. 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

26. Section 375.141, RSMo (Supp. 2013), an insurance law, 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:

- (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 in any other state;
- (3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;

* * *

- (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

* * *

- (14) Failing to comply with any administrative or court order directing payment of state or federal income tax.

* * *

7. Within thirty days of the initial pretrial hearing date, a producer shall report to the director any criminal prosecution for a felony or a crime involving moral turpitude of the producer taken in any jurisdiction. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant legal documents.

27. Section 375.144 provides, in relevant part:

It is unlawful for any person, in connection with the offer, sale, solicitation or negotiation of insurance, directly or indirectly, to:

* * *

- (4) Engage in any act, practice, or course of business which operates as a fraud or deceit upon any person.

28. 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.

29. 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 Respondent Ricky Gene Skidmore's resident insurance producer license (No. 0419611) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 17th **DAY**
OF MARCH, 2016.

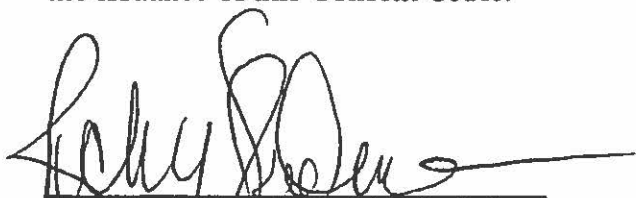




JOHN M. HUFF, Director
Missouri Department of Insurance,
Financial Institutions and Professional
Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Respondent Ricky Gene Skidmore has a right to a hearing, but that Respondent waived the hearing and consented to the issuance of this Consent Order.



Ricky Gene Skidmore, Respondent
25 Trail Ridge Drive
Kimberling City, MO 65686-9635

2-10-16

Date

Counsel for Respondent

Name: _____

Missouri Bar No. _____

Address: _____

Phone: _____

Fax: _____

Date



Shelly Krueger

Missouri Bar No. 67752

Counsel for Consumer Affairs Division
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492

3-9-2016

Date

The only action I agree to or consent to is to have my producers license revoked. That is it. I also waive the right to a hearing.