



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)
)
CESAR OMAR RODRIGUEZ,) **Case No. 2212090845C**
)
Applicant.)

**ORDER REFUSING TO RENEW A
NONRESIDENT INSURANCE PRODUCER LICENSE**

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance (“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. Cesar Omar Rodriguez (“Rodriguez”) is a Texas resident, whose residential address is 99 Three Lakes Drive, San Antonio, Texas 78248, and whose mailing and business address is 4606 Centerview, Suite 271, San Antonio, Texas 78228.
2. Rodriguez was licensed as an insurance producer with the Department on February 2, 2017, through October 2022, when he filed his renewal application.
3. On October 25, 2022, Rodriguez submitted a late electronic application for renewal of his nonresident insurance producer license (“Application”) to the Department.
4. Background Information Question Number 2 of the Application asks, in relevant part:

Have you been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department?

“Involved” means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, 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.

5. Rodriguez answered “No” to Background Information Question Number 2.
6. On October 10, 2016, Rodriguez submitted a statement and a copy of a Financial Industry Regulatory Authority (“FINRA”) Letter of Acceptance, Waiver and Consent (“AWC”) into the National Insurance Producer Registry (“NIPR”) as an attachment.
7. The FINRA AWC stated that, from April 2014 through at least January 2015, Rodriguez sold securities in the form of promissory notes and equity self-offerings to six customers in order to raise capital for Bull Run Capital Holdings, LLC (“BRCH”). At the time, Rodriguez owned and operated the Bloomington, Illinois, Avenir Financial Group branch office of BRCH. Rodriguez represented in the promissory notes and self-offerings that investor proceeds would be used for general operational expenses of BRCH. However, Rodriguez failed to disclose his intention to use the funds for personal use. In so doing, he knowingly misrepresented the intended use of the investment proceeds. Of the total \$173,800 in investor proceeds raised, Rodriguez used approximately \$77,000 for personal use. The AWC found that Rodriguez violated various provisions of federal law, including Section 10(b) of the Exchange Act of 1934, Rule 10b-5 thereunder, and FINRA Rules 2020, 2150, and 2010, which prohibit fraud, misrepresentation, and omission of relevant information for the purpose of deceiving another person in the process of conducting transactions involving stock or securities. AWC No. 2015044960502 (Apr. 2015).
8. Without admitting fault, Rodriguez accepted and consented to the AWC. FINRA accepted the AWC on April 27, 2015. Id.
9. Subsequently, three states denied Rodriguez’s applications for insurance licenses on four separate occasions, as follows:
 - a. On or about February 16, 2017, the Wisconsin Office of the Commissioner of Insurance sent a letter to Rodriguez denying his 2017 application for a permanent individual intermediary agent’s insurance license. The denial was based in part upon the 2015 FINRA administrative action.
 - b. On or about April 24, 2017, the Florida Department of Financial Services sent a letter to Rodriguez denying his application for

licensure as a nonresident life including variable annuity agent. The denial was based upon the April 27, 2015 FINRA administrative action.

- c. On or about November 28, 2017, the State of Ohio Department of Insurance sent a letter to Rodriguez denying his application for licensure as an insurance agent. One of the stated reasons for the denial was the April 27, 2015 FINRA administrative action.
 - d. On September 23, 2021, the Wisconsin Office of the Commissioner of Insurance again sent a letter to Rodriguez denying his August 10, 2021 application for a permanent individual intermediary agent's insurance license, due to administrative actions taken against him by FINRA, Wisconsin, Ohio, and Florida, and for his failure to disclose this information on his license application.
10. Although each of the denial letters provided Rodriguez with the opportunity for a hearing to dispute the denials, Rodriguez did not request a hearing, and the denials were effective within the time specified on each letter.
 11. Rodriguez did not report any of the four license denials at any time during his licensure in the State of Missouri.
 12. Rodriguez did not answer "Yes" to any background question on his Application, nor did he report the four license denials in the NIPR Attachment Warehouse.
 13. It is inferable and hereby found as fact that Rodriguez omitted or misrepresented his administrative actions in the hope that the Director would remain unaware of the administrative actions and would renew his license.

CONCLUSIONS OF LAW

14. Section 375.141.1, RSMo (2016)¹ states, 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;

¹ All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

(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; [or]

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

15. Section 375.141.6, RSMo states, in relevant part:

An insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent order or other relevant legal documents.

16. The Director may refuse to renew Rodriguez's license pursuant to § 375.141.1(1) because Rodriguez filed a renewal application for an insurance producer license on October 25, 2022, which was incomplete and/or contained incorrect, misleading, or untrue information regarding the full extent of his history as a party in administrative proceedings. Specifically, Rodriguez failed to disclose the February 16, 2017, denial of his application for a permanent individual intermediary agent's insurance license by the Wisconsin Office of the Commissioner of Insurance, the April 24, 2017, denial of his application for licensure as a nonresident life including variable annuity agent by the Florida Department of Financial Services, the November 28, 2017, denial of his application for licensure as an insurance agent by the State of Ohio Department of Insurance, and the September 23, 2021, denial of his application for a permanent individual intermediary agent's insurance license by the Wisconsin Office of the Commissioner of Insurance.

17. Each omission constitutes a separate and sufficient ground for the Director to refuse to renew an insurance producer license under § 375.141.1(1).

18. The Director may refuse to renew Rodriguez's license pursuant to § 375.141.1(2) because Rodriguez violated an insurance law of the state of Missouri, specifically, § 375.141.6, by failing to report to the Director any administrative action taken against him in another jurisdiction within thirty days of the final disposition of the matter. Rodriguez failed to report the February 16, 2017, denial of his application for a permanent individual intermediary agent's insurance license by the Wisconsin Office of the Commissioner of Insurance, the April 24, 2017, denial of his application for

licensure as a nonresident life including variable annuity agent by the Florida Department of Financial Services, the November 28, 2017, denial of his application for licensure as an insurance agent by the State of Ohio Department of Insurance, and the September 23, 2021, denial of his application for a permanent individual intermediary agent's insurance license by the Wisconsin Office of the Commissioner of Insurance.

19. Each violation of an insurance law under § 375.141.6 constitutes a separate and sufficient ground for the Director to refuse to renew an insurance producer license under § 375.141.1(2).
20. The Director may refuse to renew Rodriguez's license pursuant to § 375.141.1(3) because Rodriguez attempted to obtain a license through material misrepresentation or fraud, in that he failed to disclose the full extent of his involvement in administrative proceedings at the time of his application. Specifically, Rodriguez failed to disclose the February 16, 2017, denial of his application for a permanent individual intermediary agent's insurance license by the Wisconsin Office of the Commissioner of Insurance, the April 24, 2017, denial of his application for licensure as a nonresident life including variable annuity agent by the Florida Department of Financial Services, the November 28, 2017, denial of his application for licensure as an insurance agent by the State of Ohio Department of Insurance, and the September 23, 2021, denial of his application for a permanent individual intermediary agent's insurance license by the Wisconsin Office of the Commissioner of Insurance.
21. The Director may refuse to renew Rodriguez's license pursuant to § 375.141.1(8) because Rodriguez engaged in dishonest practices, untrustworthiness or financial irresponsibility in the conduct of business, as outlined by FINRA in the April 27, 2015 AWC. Specifically, FINRA took administrative action against Rodriguez for using approximately \$77,000 collected from securities that he sold on behalf of his company for his own personal use without informing the investors of his intention to do so prior to their purchase of the securities.
22. The Director may refuse to renew Rodriguez's license pursuant to § 375.141.1(9) because Rodriguez has had his insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory. Specifically, on February 16, 2017, the Wisconsin Office of the Commissioner of Insurance denied his application for a permanent individual intermediary agent's insurance license, on April 24, 2017, the Florida Department of Financial Services denied his application for licensure as a nonresident life including variable annuity agent, on November 28, 2017, the State of Ohio Department of Insurance denied his application for licensure as an insurance agent, and on September 23, 2021, the Wisconsin Office of the Commissioner of Insurance denied his application for a permanent individual intermediary agent's insurance.
23. Each administrative action constitutes a separate and sufficient ground for the Director to refuse to renew an insurance producer license under § 375.141.1(9).

24. The above-described instances are grounds upon which the Director may refuse to renew Rodriguez's nonresident insurance producer license.
25. The Director has considered Rodriguez's history and all of the circumstances surrounding Rodriguez's Application. Renewing Rodriguez's nonresident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to renew Rodriguez's nonresident insurance producer license.
26. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the nonresident insurance producer renewal license Application of **CESAR OMAR RODRIGUEZ** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 09th **DAY OF** February, **2023.**



Chlora Lindley Myers
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.

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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of February, 2023, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Cesar Omar Rodriguez
4606 Centerview, Suite 271
San Antonio, Texas 78228

Tracking No. 1Z0R15W84295777275



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