



State of Missouri

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

IN RE:

**William Bruce Mouncey,
Applicant.**

)
)
)
)
)

Case No. 131024569C

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On February 25, 2014, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue William Bruce Mouncey’s 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. William Bruce Mouncey (“Mouncey”) is a Missouri resident with a residential, business, and mailing address of 10140 Southeast State Rte. 371, St. Joseph, Missouri 64507.
2. On or about April 11, 2013, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received an electronic resident insurance producer license application (“Application”) from Mouncey.
3. The Department previously issued Mouncey an insurance producer license on March 3, 2004 (License No. 0325352) which expired on March 3, 2006.
4. In the section of the Application headed “Background Questions,” Background Question # 4 asks, in relevant part, “Have you ever been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? If you answer yes, identify the jurisdiction(s).”
5. Mouncey answered “Yes” to Background Question # 4, and identified Kansas as the jurisdiction.
6. Mouncey failed to properly disclose the following two delinquent tax obligations in Missouri:

- a. On July 26, 2010, the Missouri Department of Revenue filed a tax lien for unpaid 2007 individual income tax in the amount of \$2,106.65.¹ Through September 23, 2013, Mouncey owed \$2,711.28, with interest included, in unpaid 2007 individual income tax. *Director of Revenue v. William B. Mouncey et ux*, Platte Co. Cir. Ct., Case No. 10AE-MC01270.
 - b. On September 26, 2011, the Missouri Department of Revenue filed a tax lien for unpaid 2008 individual income tax in the amount of \$1,649.01. Through September 23, 2013, Mouncey owed \$1,739.53, with interest included, in unpaid 2008 individual income tax. *Director of Revenue v. William B. Mouncey*, Platte Co. Cir. Ct., Case No. 11AE-MC01737.
7. On April 17, 2013, Special Investigator Dennis Fitzpatrick (“Fitzpatrick”) of the Consumer Affairs Division sent a letter by first-class mail to Mouncey’s address of record requesting that Mouncey provide information and documentation concerning his reported obligation in Kansas and the two above-referenced tax obligations in Missouri. The letter requested a response by May 9, 2013. The letter was not returned as undeliverable. Mouncey did not respond with the requested information and did not contact the Department in any way to demonstrate a reasonable justification for a delayed response.
 8. On August 21, 2013, Fitzpatrick sent a letter labeled “Second Request” by first-class mail to Mouncey’s address of record requesting that Mouncey provide information and documentation concerning his reported obligation in Kansas and the two above-referenced tax obligations in Missouri. The letter requested a response by September 11, 2013. The letter was not returned as undeliverable. Mouncey did not respond with the requested information and did not contact the Department in any way to demonstrate a reasonable justification for a delayed response.

CONCLUSIONS OF LAW

9. Section 375.141.1, RSMo (Supp. 2013),² 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

¹ Pursuant to § 143.902.1(2), RSMo (2000), a certificate of lien filed with the clerk of the circuit court “shall have the full force and effect of a default judgment of the circuit court until satisfied.”

² All statutory references are to the Revised Statutes of Missouri (Supp. 2013) unless otherwise noted.

order of the director or of another insurance commissioner in any other state;

* * *

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

10. Title 20 CSR 100-4.100 Required Response to Inquiries by the Consumer Affairs Division, provides, in part:

* * *

(2)(A) 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.

11. "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).
12. 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).
13. Mouncey may be refused an insurance producer license pursuant to § 375.141.1(2) because he violated a Missouri insurance regulation, namely 20 CSR 100-4.100(2)(A), by failing to respond to two inquiries from the Consumer Affairs Division; specifically, letters dated April 17, 2013 and August 21, 2013. Each failure to respond is a separate and sufficient ground to refuse to issue Mouncey an insurance producer license.
14. Mouncey may be refused an insurance producer license pursuant to § 375.141.1(14) because he has failed to comply with two different administrative or court orders directing payment of Missouri state income tax. Each administrative or court order with which Mouncey has failed to comply is a separate and sufficient ground to refuse to issue Mouncey an insurance producer license. *Director of Revenue v. William B. Mouncey et ux*, Platte Co. Cir. Ct., Case No. 10AE-MC01270; *Director of Revenue v. William B. Mouncey*, Platte Co. Cir. Ct., Case No. 11AE-MC01737.
15. The Director has considered Mouncey's history and all of the facts and circumstances surrounding the Application, and for the reasons stated in this Order exercises his discretion in refusing to issue Mouncey an insurance producer license.

16. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license of William Bruce Mouncey is hereby **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 25th
DAY OF FEBRUARY, 2014.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

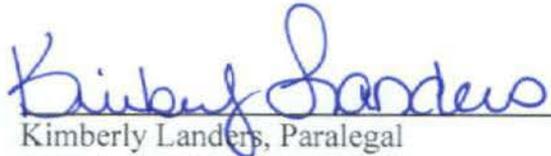
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to § 621.120 RSMo. Under 1 CSR 15-3.290, unless you send your complaint by registered 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 26th day of February, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by first-class mail and UPS with signature required at the following address:

William Bruce Mouncey
10140 Southeast State Rte. 371
St. Joseph, MO 64507

Tracking No. 1ZBR15W84294782976



Kimberly Landers, Paralegal
Missouri 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
Email: Kimberly.Landers@insurance.mo.gov