State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:	)	
	)	
Sharon Gilkerson,	)	Case No. 0909016559C
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
Sharon Gilkerson	)	
Global Contact Services	)	
101 Martin Drive	)	
Mt. Hope, WV 25880	)	
	)	
or:	)	
	)	
Sharon Gilkerson	)	
Route 1 Box 1047	)	
Wayne, WV 25570	)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On June 2, 2010, Andy Heitmann, Enforcement Counsel and Counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Sharon Gilkerson. 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 summary order:

FINDINGS OF FACT

1. Sharon Gilkerson ("Respondent Gilkerson") is an individual residing in West Virginia. Respondent Gilkerson's mailing address of record is the business address of her employer, Global Contact Services, at 101 Martin Drive, Mt. Hope, West Virginia, 25880. Her legal address is Route 1 Box 1047, Wayne, West Virginia, 25570.

2. Respondent Gilkerson was first issued an insurance producer license by the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department") in April 2000. After two renewals, that license expired in April 2006.

3. In April 2006, Respondent Gilkerson applied for a third renewal, but the Director refused to renew her license because in August 2005, the California Insurance Commissioner had revoked her California insurance producer license, or its equivalent, and Respondent Gilkerson had failed to report that revocation within 30 days of final disposition as required by § 375.141.6, RSMo.

4. On or about April 22, 2009, the Department received Respondent Gilkerson's Uniform Application for Individual Insurance Producer License (the "Application").

5. In the section of the Application headed "Background Questions," Background Question # 2 asks "Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company, ever been involved in an administrative proceedings regarding any professional or occupational license, or registration?"

6. Background Question # 2 elaborates:

> "Involved" means having a license censured, suspended, revoked, canceled, terminated . . . "Involved" also means having a license application denied[.]

7. Respondent Gilkerson answered Background Question # 2 with a "No."

8. Contrary to Respondent Gilkerson's answer to Background Question # 2, her insurance producer license, or its equivalent, had been revoked in the State of California in August 2005 for her failure to report a criminal conviction. Additionally, as previously alleged, the Department had refused her 2006 application because of that revocation and her failure to report it.

9. Whether or not an applicant has an adverse administrative history is material to the Director's decision to issue or refuse a license to the applicant.

10. Respondent Gilkerson knew she had her license revoked in California and refused in Missouri, and yet she answered Background Question # 2 falsely.

11. Respondent Gilkerson's answer to Background Question # 2 was materially incorrect, misleading, incomplete or untrue.

12. Respondent Gilkerson intentionally answered Background Question # 2 falsely.

13. An honest answer to Background Question # 2, truthfully reflecting Respondent Gilkerson's adverse administrative history, would have tended to have an unfavorable impact on her Application; her false answer, if undetected, might have avoided that unfavorable impact.

14. Respondent Gilkerson attempted to obtain a license through material misrepresentation or fraud when she falsely answered Background Question # 2.

CONCLUSIONS OF LAW

15. Section 375.141, RSMo (Supp. 2009) 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:
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> * * *
>
> (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;
>
> * * *
>
> (3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;
>
> * * *
>
> (9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory[.]

16. The principal purpose of § 375.141, RSMo, is not to punish licensees, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

17. The Director may refuse Respondent Gilkerson's Application under § 375.141.1(9), RSMo (Supp. 2009) because her insurance producer license, or its equivalent, was revoked in California.

18. The Director may refuse Respondent Gilkerson's Application under § 375.141.1(1), RSMo (Supp. 2009) because Respondent Gilkerson intentionally provided materially incorrect, misleading, incomplete or untrue information on her license application when she falsely answered Background Question # 2.

19. The Director may refuse Respondent Gilkerson's Application under § 375.141.1(3), RSMo (Supp. 2009) because Respondent Gilkerson attempted to obtain a license through material misrepresentation or fraud when she falsely answered Background Question # 2.

20. The Director has considered Respondent Gilkerson's history and all of the circumstances surrounding Respondent Gilkerson's Application. Respondent Gilkerson has had her license revoked in California, and has intentionally given a false answer concerning that revocation in an attempt to obtain a Missouri insurance producer license. Respondent Gilkerson has a history of failing to provide this Department and California's Department of Insurance with material information required by law and bearing on her fitness for licensure. For these reasons, the Director exercises his discretion in refusing to license Respondent Gilkerson.

21. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license of Sharon Gilkerson is hereby summarily REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 3RD DAY OF JUNE, 2010.

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.

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2010, a copy of the foregoing notice and order in this matter was served upon Sharon Gilkerson by certified mail at her mailing address of record, and by first class mail at her legal address.

Kathryn Randolph
Paralegal