

## State of Missouri

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

IN THE MATTER OF:

Michael Anthony Grier,

Applicant.

Serve at:

3039 Premier Parkway, Suite 100  
Duluth, Georgia 30097

Case No. 10-0824570C

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

On September 20, 2010, Tamara W. Kopp, Senior Enforcement Counsel and counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to renew Michael Anthony Grier's non-resident 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 summary order:

#### **FACTUAL BACKGROUND**

1. Michael Anthony Grier ("Grier") is an individual residing in Georgia whose business and mailing address of record is 3039 Premier Parkway, Suite 100, Duluth, Georgia 30097.
2. On or about December 18, 2009, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a Uniform Application for Individual Non-Resident Insurance Producer License ("Application") from Grier.
3. In the section of the Application headed "Background Questions," Background Question # 2 asks "Have you . . . been involved in an administrative proceeding regarding any professional or occupational license or registration?"
4. Grier answered "No" to Background Question # 2.
5. Grier's response to Background Question # 2 was false in that Grier failed to disclose the following administrative actions:

- a. On July 16, 2008, the Georgia Commissioner of Insurance issued a License Reinstatement Consent Order which required that Grier pay a \$150 fine to renew his Georgia insurance producer license. *See In the Matter of Michael A. Grier*, Case No. 2008-1932, before the Office of Commissioner of Insurance, State of Georgia.
  - b. On November 30, 2009, the Georgia Commissioner of Insurance issued a License Reinstatement Consent Order which required that Grier pay a \$300 fine to renew his Georgia insurance producer license. *See In the Matter of Michael A. Grier*, Case No. 11001511, before the Office of Commissioner of Insurance, State of Georgia.
6. On or about April 12, 2010, the Director issued a subpoena duces tecum to Grier that ordered Grier to appear before the Director and produce records on May 4, 2010, at the Department office, 301 West High Street, Room 540, Jefferson City, Missouri. The subpoena was sent by certified mail to Grier's address of record. Someone<sup>1</sup> signed the PS Form 3811 ("Green Card") on April 15, 2010. Grier did not appear at the Department office on May 4, 2010, as ordered by the subpoena.

#### **JURISDICTION AND STATUTORY GROUNDS FOR REFUSAL**

7. Section 375.141.1, RSMo (Supp. 2009), 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:

(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;

\* \* \*

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud[.]

8. Section 374.210.2, RSMo (Supp. 2009), provides in part:

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<sup>1</sup> The signature on the Green Card is illegible.

The director may also suspend, revoke or refuse any license or certificate of authority issued by the director to any person who does not appear or refuses to testify, file a statement, produce records, or does not obey a subpoena.

9. The principal purpose of § 375.141, RSMo, 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).

#### **CAUSE FOR ORDER TO REFUSE AN INSURANCE PRODUCER'S LICENSE**

10. Grier may be refused an insurance producer license pursuant to § 375.141.1(1), RSMo (Supp. 2009), because by failing to disclose two administrative actions on his Application, Grier intentionally provided materially incorrect, misleading, incomplete or untrue information on his Application.
11. Grier may be refused an insurance producer license pursuant to § 375.141.1(3), RSMo (Supp. 2009), because by failing to disclose two administrative actions on his Application, Grier attempted to obtain a license through material misrepresentation or fraud. Grier's repeated failure to abide by the Georgia insurance laws reflects poorly on Grier's ability to abide by the Missouri insurance laws. Two administrative actions concerning Grier's Georgia insurance producer license are material to the Director's decision whether or not to issue a Missouri insurance producer license.
12. Grier may be refused an insurance producer license pursuant to §§ 374.210 and 375.141.1(2), RSMo (Supp. 2009), for failing to obey a subpoena issued by the Director.
13. For all of the reasons given in this Petition, the Director has considered Grier's history and all of the circumstances surrounding Grier's Application for licensure and exercised his discretion in summarily refusing to grant Grier's non-resident insurance producer license.
14. Granting Grier's insurance producer license would not be in the public interest.
15. This order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the non-resident insurance producer license application of **Michael Anthony Grier** is hereby summarily **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 20<sup>th</sup> DAY  
OF SEPTEMBER, 2010.

  
**JOHN M. HUFF**  
**DIRECTOR**

### NOTICE

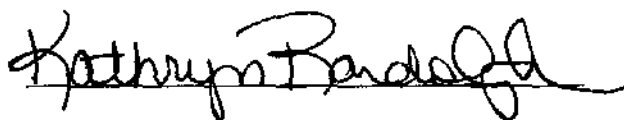
**TO: Applicant and any unnamed persons aggrieved by this Order:**

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission, 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 22nd day of September, 2010, a duplicate original of the foregoing Order and Notice was served upon the Applicant in this matter by certified mail No. 70070710000220552718.

Michael Anthony Grier  
3039 Premier Parkway, Suite 100  
Duluth, Georgia 30097

A handwritten signature in black ink, appearing to read "Kathryn Randolph", written over a horizontal line.