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Department of Insurance
State of Idaho

BEFORE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE

STATE OF IDAHO

In the Matter of the)	
Application for Non-Resident)	Docket No. 18-2646-10
Producer License of:)	
)	HEARING OFFICER'S FINDINGS
ERIC R. MORS,)	OF FACT, CONCLUSIONS OF LAW
)	AND PRELIMINARY ORDER
)	

This matter came on for an evidentiary hearing on November 2, 2010, at 1:30 p.m. Thomas Donovan, Deputy Attorney General, appeared on behalf of the Department of Insurance. Eric R. Mors appeared in person representing himself.

FINDINGS OF FACT

1. On July 29, 2010, Eric R. Mors submitted an Application for Non-Resident Producer License to the Department of Insurance for an "Individual Non-Resident Producer License". (Exhibit 1.) Mr. Mors lives in Spokane and works for AFLAC. The first question on page 2 of the background portion of the application specifically asked: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing

a crime?" "Crime" is defined to include "a misdemeanor, felony or military offense." The question is further clarified by the statement: "'Convicted' includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine." In answer to that question, Mr. Mors answered "yes". If the question is answered "yes", the applicant must attach a written statement explaining the circumstances of each incident; a copy of the charging document; and a copy of the official document demonstrating the resolution of the charges or any final judgment. Mr. Mors failed to include any of the explanatory documents. As part of the application, an applicant is required to submitted an attestation certifying under penalty of perjury that the information submitted and the attachments are true and complete. (Exhibit 2.) That document further states: "I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties."

2. While investigating Mr. Mors' application, the Department of Insurance discovered he had been subject to criminal proceedings in Spokane County, Washington. Upon request, Mr. Mors provided the Department with certain pleadings from that criminal case. (Exhibit 3, pages 7 and 8.) Those documents establish that Mr. Mors was charged with child molestation on December 10, 2005. The charge was amended to communication with a minor for immoral

purposes, supplying liquor to a minor and fourth degree assault. Mr. Mors pled guilty to fourth degree assault. Mr. Mors did not submit detailed copies of the various pleadings related to the criminal charges and ultimate sentence.

3. By letter dated September 20, 2010, Gina McBride, the Bureau Chief of Consumer Services, for the Department of Insurance sent Mr. Mors a letter denying Mr. Mors' application for an individual non-resident producer license. The letter notes Mr. Mors was required to provide detailed information on the charges which he failed to do. The Department advised Mr. Mors they were denying his application based upon Idaho Code §41-1016(1) which allows the Department to deny an application when an applicant provides incomplete information in the license application or who has been convicted of a misdemeanor evidencing bad moral character.

4. Pursuant to Idaho Code §41-232A, Mr. Mors requested a hearing in a letter received by the Department on October 14, 2010. In that letter, Mr. Mors did submit additional documentation regarding criminal charges. He alleges he did not intentionally supply false information and did not intend or try to hide anything in his past.

5. At the hearing, Ms. McBride testified that at her request, their investigator in Coeur d'Alene conducted a more detailed review. The only remaining issue was the plea of guilty to the fourth degree assault. Her investigation revealed that Mr. Mors took advantage of a vulnerable child in the child's home. She testified that she was concerned about the access to people's home

which insurance agents have and that they deal with vulnerable people. She determined that Mr. Mors had violated a position of trust. Consequently, she denied the license based upon Idaho Code §41-1016(10(f)).

6. In his defense Mr. Mors, testified that what happened was that he made a mistake in his life after having too much to drink. He completed boundary counseling and went through probation.

7. The evidence establishes Mr. Mors did engage in misdemeanor evidencing bad moral character.


CONCLUSIONS OF LAW

8. Pursuant to Idaho Code §41-1016(1)(a), the Department of Insurance has the authority and grounds to deny Mr. Mors' application for an Idaho Non-Resident Producer License.

PRELIMINARY ORDER

Based upon the foregoing, IT IS HEREBY ORDERED That the denial of the application of Mr. Mors by the Department of Insurance for an Individual Non-Resident Producer License is UPHELD and AFFIRMED.

DATED This 9 day of November, 2010.



JEAN R. URANGA
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 9 day of November, 2010, I served true and correct copies of the foregoing HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW AND PRELIMINARY ORDER by depositing copies thereof in the United States mail, postage prepaid, in envelopes addressed to:

Eric R. Mors
105 E. Wedgewood Avenue, Apt. K107
Spokane, Washington 99208-6839

**(Regular mail and certified mail
return receipt requested)**

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JEAN R. URANGA