

MIKE KREIDLER
STATE INSURANCE COMMISSIONER

STATE OF WASHINGTON



OFFICE OF
INSURANCE COMMISSIONER

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BEFORE THE STATE OF WASHINGTON
OFFICE OF INSURANCE COMMISSIONER

In the Matter of)	Docket No. 12-0067
)	
GREGG A. HENDERSON,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
Licensee.)	AND FINAL ORDER
_____)	

TO: Gregg A. Henderson
20900 NE 42nd Street
Sammamish, WA 98074

COPY TO: Mike Kreidler, Insurance Commissioner
Deborah McCurley, Acting Chief Deputy Insurance Commissioner
John F. Hamje, Deputy Commissioner, Consumer Protection Division
Alan Singer, Staff Attorney, Legal Affairs Division
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Olympia, WA 98504-0255

NATURE OF PROCEEDING

The purpose of the hearing was to take testimony and evidence and hear arguments as to whether the Insurance Commissioner's Order Revoking License, No. 12-0067, entered March 12, 2012, revoking the Washington resident insurance producer's license of Gregg A. Henderson should be confirmed, set aside or modified. Said Order Revoking License is based primarily on the



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Insurance Commissioner's allegations that the Licensee fraudulently impersonated a client on two occasions in an attempt to liquidate the client's brokerage account, and then was deceptive and uncooperative when the matter was investigated. On March 28, 2012, the Licensee filed a Demand for Hearing to contest the OIC's Order. Accordingly, pursuant to RCW 34.05.434, 34.05.461, 48.04.010 and WAC 10-08-210, and after notice to all interested parties and persons the above-entitled matter came on regularly for hearing before the Washington State Insurance Commissioner commencing on July 16, 2012, and continuing on August 31 and September 10, 2012. All persons to be affected by the above-entitled matter were given the right to be present at such hearing during the giving of testimony, and had reasonable opportunity to inspect all documentary evidence. The Insurance Commissioner was represented by Alan Singer, Esq., Staff Attorney in his Legal Affairs Division. Gregg A. Henderson appeared pro se.

FINDINGS OF FACT

Having considered the evidence and arguments presented at the hearing, and the documents on file herein, the undersigned presiding officer designated to hear and determine this matter finds as follows:

1. The hearing was duly and properly convened and all substantive and procedural requirements under the laws of the state of Washington have been satisfied. This Order is entered pursuant to Title 48 RCW and specifically RCW 48.04; Title 34 RCW including, for good cause shown, 34.05.461(8); and regulations pursuant thereto.
2. Gregg A. Henderson ("Licensee") is a 48 year old individual who is a resident of Sammamish, WA. Since April 29, 2002, the Licensee has held a Washington resident life and disability insurance producer's license issued to him by the Washington State Insurance Commissioner ("OIC"), License No. 687318. He also held an Oregon insurance producer's license for one year at some time unrelated to the issues herein. [Testimony of Licensee.] Since some time on or before 2008, the Licensee has held a Series 65 registration from the Financial Industry Regulatory Authority (FINRA) which authorizes him to act as a securities broker/dealer as well. [Testimony of Licensee; OIC Ex. 35, OIC Master Record Printout.] In his original application for an insurance producer's license in 2002 and in the four subsequent renewal applications, the Licensee made false statements to the OIC 1) by responding "No" to the OIC's question whether he had ever pled guilty or been convicted of any crime (see below); 2) by responding "No" to the OIC's question whether he was or had ever been the subject of any lawsuit, claim, investigation or proceeding alleging breach of trust or fiduciary duty, fraud, or any other act of dishonesty (see below); and 3) by responding "No" to the OIC's question whether he was delinquent in any personal or business financial obligations or whether there were any outstanding judgments, liens, or claims against him.
3. The Licensee sells virtually only one product: fixed indexed deferred annuities. [Testimony of Licensee.] At all pertinent times hereto, the Licensee only marketed and sold

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these annuities to senior citizens between the ages of 50+ and 80 years old. This is because he understands that some insurers require that extra steps and precautions be taken when selling insurance products to individuals over 80 years old. [Testimony of Licensee.]

4. The Licensee conducts his insurance and financial planning business out of his home, without any other producers or staff. The Licensee solicits clients primarily 1) through his website; 2) through sponsoring free meals to seniors who he can contact later to solicit; and 3) through cold lead cards he buys from third parties. [Testimony of Licensee; OIC Ex. 35, OIC Master Record Printout.] As of the date of the hearing herein, the Licensee was appointed to represent approximately 29 life and disability insurers; the majority of these appointments he has held for many years. [Ex. 35, OIC Master Record Printout.]

5. Since January 1, 2007, the Licensee's only employment is his work with two active Washington corporations which he formed and operates all on his own:

1.) The Licensee is the sole owner, manager, registered agent, President, Secretary and staff member of Retirement Protection Services, LLC, which has been licensed by the OIC as a Washington life and disability insurance agency/producer since January 1, 2007, and the Licensee is its designated individual producer. [Testimony of Licensee; Ex. 35, OIC Master Record Printout.]

2.) The Licensee is also the sole owner, manager, registered agent, President, Secretary and staff member of Retirement Protection Services Wealth Management, LLC, which he formed in late 2009/early 2010. This is an investment consulting and management company, and it is not licensed as an insurance producer. [Testimony of Licensee.]

The Licensee did have one employee in late 2008: he does not remember her name, but recalled that *she ran off after two months, I never talked to her again, and I do not know why she left. ... She was a freak.* [Testimony of Licensee.]

6. One of the Licensee's business cards reads *Retirement Protection Services, LLC; Gregg Henderson, President*; identifies himself as *WA Ins. License #193414 and OR Ins. License #687518*; states his email address as safeinvestment@comcast.net; provides his office/home address in Sammamish, WA; and *Reservation Phone: 800-769-1617*. [OIC Ex. 6, copy of Licensee's business card provided to Falcone.] Another of the Licensee's business cards states *Retirement Protection Services Conservative Investments...for proper portfolio balance* and identifies himself as *Gregg Henderson, Principle* [sic], again provides his home/office address, telephone number, email and the descriptions *Annuities * Bonds * CD's* [sic] ** Preferred Stocks * REIT's* [sic], even though the Licensee only sells fixed indexed deferred annuities.

7. **Licensee's website.** As found above, one of the three primary ways the Licensee solicits potential insurance clients is through his website which is registered to him through

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GoDaddy.com and is entitled www.ifixretirementplans.com or Gregg@ifixretirementplans.com. [Ex. 30, copies of Licensee's Retirement Protection Services website pages.] However, even though the Licensee sells only fixed indexed deferred annuities which are insurance products, and the website uses the name of the Licensee's insurance agency, *Retirement Protection Services*, and identifies him as *Gregg Henderson, President*, nowhere are either of them identified as insurance producers, and the words "insurance" or "insurance products" are virtually never used throughout this website. Indeed, the Licensee's website falsely states that he is a *Registered Investment Advisor* and a *Certified Financial Planner Retirement Income*. [Ex. 30.] The Licensee admits, and it is here found, that he is not and has never been a Certified Financial Planner. [Testimony of Licensee.] Further, at least at the time of the events herein, the Licensee was not a Registered Investment Advisor either [Testimony of Licensee] and there is insufficient evidence to show that he has ever been a Registered Investment Advisor.

8. Additionally, the Licensee's website provides a large amount of legal and financial advice regarding retirement plans and investments including hidden fees and other harmful aspects of 401k plans; how to calculate returns in retirement plans; differences between a tax deduction and tax deferral; and his discussion about how the retirement savings system in America is broken and the federal government has known for 30 years that IRA/401k accounts were never intended to be the primary savings vehicle for the American worker. The Licensee's website provides numerous articles and video clips informing the reader how detrimental the 401k accounts are and "Why the 401k doesn't work." He advises that *in order to stop losing money in [an] IRA/401k Stop putting money into a [sic] IRA/401k and go to a more favorable plan. There are plans that allow you to save without losing a penny.* He asks *Do you understand the devastating effect a 20% lose [sic] in your retirement savings can have on your income over the rest of your retirement life?* He goes on to advise, however, that he and Retirement Protection Services can provide a *light at the end of the tunnel* which is *IRS approved* and can *save, grow, and protect your money without losing when the stock market drops....with no brokerage or investment fees deducted from your account and Best of all, the account grows tax deferred and the distributions in retirement are TAX FREE.... Since 2002, I have been helping folks increase their retirement income by 300% or more, over traditional 401k plans...by eliminating the 3 biggest factors which erode account value ... [and how his retirement plans will] eliminate stock market losses ... eliminate future taxes on retirement savings, and ... investment fees...* He then advises that *Once the accumulation faze [sic] is complete, I use the most efficient distribution method available, adding potentially another 50% to your income....* He asks *Why doesn't every financial planner ... do this? The big Wall St. firms ... discourage it! They want to keep you in volatile equities so they can continue to charge you hidden and high fees.....RPS is not a large Wall St. firm. We are an independent registered investment adviser firm (RIA) with services that include "Private Plan retirement accounts; Fee for service asset management; Pension plan management; Stand alone financial plans; Individual Insurance Products: Life, Annuities, Long term care. ... Schedule an appointment TODAY, ... No obligation, no pressure, just lots of education. If you have questions or would like more information about individual or company pensions, 401k plans, individual asset management or insurance, call me directly at 206-354-1321, or use the form below.* Alternatively, the site advises, *If you'd like to learn more*

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on how "I Fix Retirement Plans," get a copy of my FREE booklet explaining more. Get your FREE Booklet now! To receive the "free booklet" the reader must first provide the Licensee online with his name, email address and telephone number. (In addition, the Licensee also offers Tax Preparation Service, performed by a CPA named therein, for our 1040 special of \$99.95 for all ages & income levels; all additional schedules included at no charges. Business Returns, Back Taxes Returns, Amended Returns, & Out of State filings, call for pricing. Of this \$99.95, the Licensee receives \$54.00 and the CPA receives \$45.00. [Testimony of Licensee; OIC Ex. 30.]

9. The information the Licensee's website reader provides to obtain the "free booklet," or to schedule an appointment to receive investment services or to have his taxes done, allows the Licensee to then use this information to contact the reader to solicit him or her for the sale of insurance. Thereafter, in soliciting these individuals, the Licensee gains access to substantial amounts of these individuals' personal, medical and financial information including name, age, birthplace, social security number, health conditions and medications taken, the account numbers, locations and amounts of their assets, information about family members, and other medical and financial information. In addition, during this process the Licensee can also obtain these individuals' authority to inquire further about their assets, to liquidate assets, to transfer assets and/or to make other significant changes to the clients' financial assets and insurance policies.

10. **Free lunches for seniors.** A second way the Licensee solicits potential insurance clients is by sending targeted senior citizens cards inviting them to attend a "free lunch seminar" wherein the Licensee 1) requires these individuals to provide their names, addresses and contact numbers when they arrive for the free lunch, then 2) makes a presentation on retirement plans to them in an effort to induce them to pursue what he presents as the best option(s), i.e., in the Licensee's situation, the fixed indexed deferred annuity product. The Licensee asks attendees to complete a questionnaire which includes their names, addresses, contact numbers and amount of financial assets the attendee has. The Licensee then contacts these seniors later to solicit them for this product. This same activity is conducted by other producers in Washington and other states, with significant risks to senior consumers. [Ex. 34, Mississippi Report.] The OIC received one complaint on December 10, 2009 from a senior citizen who attended one of the Licensee's free lunch seminars and completed her name, address and contact numbers on the Licensee's questionnaire. The senior citizen complained to the OIC that the Licensee contacted her and "screamed" at her, which made her afraid of him, because she had not also included the amount of her financial assets in his questionnaire. [Ex. 36, Declaration of Charlotte Bogart of OIC, with her attached business record of the complaint to the OIC.]

11. **Cold lead cards.** A third way the Licensee solicits potential insurance clients is by purchasing "cold lead cards" on individuals from 62 to 79 years old and living in his preferred demographic areas of Washington. [Testimony of Licensee.] In this process, "cold lead companies" such as America's Recommended Mailers which the Licensee uses, acquire completed "cold lead cards" to sell by mailing out advertisements to the members of the general

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public, offering to provide information about "important elder law updates," Medicare, Social Security and/or other topics of interest to consumers if the reader completes the enclosed card with his/her name, telephone number, age, spouse's age and county of residence. [Ex. 15, copy of Falcone's "cold lead card" returned to America's Recommended Mailers company and then sold to Licensee.] Then the "cold lead company" sells these "cold lead cards," with the consumers' names, ages, addresses and telephone numbers, to insurance producers and others interested in contacting these consumers for one reason or another (most likely for the sales of insurance, securities and/or financial advice). In the Licensee's case, the Licensee specifies to the "cold lead company" that he would like to buy cards returned by consumers who are between 62 and 79 years old, and who live in certain specified zip codes in Washington where he wants to travel to solicit his sales of insurance. The "cold lead company" then selects those "cold lead cards" which meet the Licensee's age and demographic requirements and sells these cards to the Licensee (and others who purchase them as well) for \$400 per 1,000 cold lead cards. [Testimony of Licensee.]

12. In the normal manner described above, the "cold lead company," America's Recommended Mailers, mailed an advertisement to Richard P. Falcone ("Falcone") offering to send him free information concerning subjects of interest to senior citizens. In order to receive the free information offered, as instructed, Falcone completed and returned the cold lead card provided which required his name, age, address and telephone number. The cold lead card company thereafter sold the card to the Licensee (along with many other such cards) because it met the Licensee's requirements for cold lead cards for senior citizens in Falcone's age range and area of residence (Kirkland, WA). Thereafter, using this cold lead card, which is 3.5 x 5.5 in size, the Licensee telephoned Falcone approximately two or three times and then was able to schedule a time for him to come to Falcone's home on January 15, 2009, ostensibly to discuss Falcone's retirement assets and planning with him. [Testimony of Licensee.] Again, the only product the Licensee actually had to sell Falcone was the fixed indexed deferred annuity product, and although he advertised himself as such, he was not a Certified Financial Planner nor a Registered Investment Advisor and he did not disclose that he was an insurance producer. [Testimony of Licensee, Ex. 5, Licensee's business card; Ex. 30, Licensee's website pages.]

13. Falcone is a 73 year old individual who lives alone in Kirkland, WA. He attended Edison Technical School after high school. He worked for many years as a dock worker in Seattle beginning in 1973, and worked for Boeing at some point during his career as well. He has no college education, no training in insurance or law and limited experience in business and financial matters in general. As of January 15, 2009, as the Licensee discovered during his visit with Falcone that day, Falcone owned an Individual Retirement Account ("IRA") worth approximately \$156,000. This IRA was held by Great American Advisors, Inc. ("GAA") in Cincinnati, and included some mutual funds and some bonds. Aside from this GAA IRA, Falcone owned no other assets except for his house, and his only income was from U.S. Social Security.

14. Falcone has substantial problems with his memory. He cannot remember many events

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that have happened to him. [Testimony of Richard P. Falcone; Testimony of Licensee; Testimony of Santonocito; Testimony of Mihal.] As an example of his lack of memory, Falcone candidly testifies to events such as a trip he took to Washington DC for five days with his family which he simply never remembered: *I was wondering what the suitcase was for* [when he arrived home].

15. When the Licensee arrived at Falcone's Kirkland, WA home on January 15, 2009, the Licensee admits, and it is here found, that Falcone informed the Licensee that he, Falcone, had a very weak memory because of his alcoholism in the past and was for this reason unable to remember many details and occurrences. [Testimony of Licensee.] Further, while the Licensee did meet with Falcone for approximately three hours in his home, at hearing Falcone observed the Licensee across the table from him and stated that he had never even seen the Licensee before. [Testimony of Falcone.] Falcone cannot remember how he got to know the Licensee and does not recall that the Licensee visited his home or that he had ever had any meeting with him. Even so, during his three hour visit to Falcone's home, the Licensee had Falcone show him his GAA IRA statement [Ex. 11] and admits he tried to convince Falcone that his GAA IRA was not good for him. [Testimony of Licensee.] After some two and one-half hours spent arguing with Falcone on this point, and gathering a significant amount of other personal and financial information from him, the Licensee spent only the last approximately thirty minutes of his visit with himself writing in literally every piece of information in an Application for an Indexed Deferred Annuity to be issued by American Investors Life Insurance Company, Inc. ("AVIVA Application"), and other documents, for the Licensee. These included, first, all information required on this AVIVA Application, such as Falcone's name and address; his beneficiaries; the statement that the product Falcone wanted to purchase was an *Income Select 10*; the statement that the amount of the annuity would be approx. \$156,000 from a transfer to AVIVA (the transfer being all of the proceeds from the sale of all investments in Falcone's GAA IRA); the statement that the allocation of the new AVIVA product would be *20% 1 year point-to-point and 80% 1 year uncapped multiple*; included some special instructions; wrote in the city, state and date where Falcone signed both as the Annuitant and as the Applicant; and literally all other information required in the AVIVA Application. [Testimony of Licensee; Testimony of Falcone.] The Licensee then simply had Falcone sign as the Annuitant, the Applicant and the Owner. Falcone acknowledges, the Licensee admits, and it is here found, that the three signatures on this Application are Falcone's but all of the rest of the AVIVA Application was written in by the Licensee. [Testimony of Falcone; Testimony of Licensee.] The Licensee then signed as the Agent, and provided his agent, license and telephone numbers. Falcone signed these documents in an effort to induce the Licensee to leave his house as it had been three hours by that time and he was tired of these communications with the Licensee. [Testimony of Mihal; Testimony of Kruessel.] Falcone did not want to buy any annuities or to sell any of the investments in his GAA account. [Testimony of Falcone; Ex. 7, May 18, 2009 Memorandum of Allison Kruessel; Ex. 17, September 14, 2009 Memorandum of Investigator Victor Overholt re Interview with Falcone.]

16. Second, on the required AVIVA Customer Identification and Suitability Confirmation

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Worksheet [Ex. 12], the Licensee once again wrote in all of the information including Falcone's name, occupation, annual income, net worth, source of income, tax bracket, financial objective in purchasing the product, amount of liquid assets owned, the source of premium for the annuity and also falsely answered *No* to the question whether there were any surrender charges or other fees associated with any of the sources of the annuity's premium. In response to the question whether Falcone expected to take any money out of the annuity before the end of the withdrawal charge period, the Licensee falsely answered *No* for Falcone, and falsely answered *Yes* to the question whether the agent explained that if he took money out of the product he would incur a penalty. The Licensee also dated Falcone's signature himself, and simply had Falcone sign on the signature line as the Owner. The Licensee further certified, as the Agent, that Falcone's decision to purchase the annuity was based on his, the Licensee's, recommendation, and that he, the Licensee, had considered the risk associated with the amount of the annuity and the coverage limits. [Testimony of Licensee; Ex. 12, Customer Identification and Suitability Confirmation Worksheet; Testimony of Licensee.]

17. Third, at the same time as he had Falcone sign the AVIVA Application and Customer Identification and Suitability Confirmation Worksheet, the Licensee had Falcone sign a Request for Funds form also to be sent to AVIVA for AVIVA's transmittal to GAA. This Request for Funds form directs GAA to sell all of the investments in Falcone's GAA mutual fund, which proceeds amounted to \$157,938.33 [Ex. 12], and to transfer all of these proceeds to AVIVA for the purchase of the AVIVA Fixed Indexed Deferred Annuity. Once again, the Licensee completed all of the information in this Request for Funds form himself, and had Falcone simply sign this form. [Testimony of Licensee.]

18. When shown the above AVIVA Application, AVIVA Customer Identification and Suitability Confirmation Worksheet, and AVIVA Request for Funds - which together resulted in his directing GAA to sell all investments in his GAA IRA and instead purchase an AVIVA Fixed Indexed Deferred Annuity - Falcone had no recollection of ever seeing these documents. He states, however, that *the meeting would have had to have taken place because [those] are my signatures.* [Testimony of Falcone.]

19. On or about January 15, 2009, the same day the Licensee obtained Falcone's signature on the above AVIVA Application, the Customer Identification and Suitability Confirmation Worksheet, and the Request for Funds form, in order to speed up GAA's sales of Falcone's GAA IRA investments and transfer the proceeds to AVIVA to purchase the Fixed Indexed Deferred Annuity, the Licensee overnight mailed these documents to AVIVA. [Testimony of Licensee.] It is the Licensee's normal practice to mail the documents via overnight mail immediately after they are signed by his clients, in order to speed up the process of withdrawing the funds from the clients' old accounts to purchase the new product which the Licensee sells them. [Testimony of Licensee.]

20. On January 16, 2012, in a further effort to see that GAA sold Falcone's GAA IRA investments and transferred the proceeds to AVIVA quickly, the Licensee placed a telephone call

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to GAA. In this telephone call, the Licensee impersonated Falcone: specifically, the Licensee clearly stated that he himself was *Richard Falcone, I go by Dick*. Impersonating Falcone, the Licensee requested liquidation of all of the investments held in "his" GAA IRA right away, and advised that he wanted all proceeds to be transferred to AVIVA. He provided the GAA broker, Nick Van Horn, with Falcone's correct name, GAA IRA account number, last four SSN digits, and all other personal information required to effect the trades. [Ex. 4, GAA Tape Recording of telephone conversation; Ex. 24, 11/19/2009 OIC Memorandum of interview with Christopher Nicholas Van Horn, the GAA broker; Ex. 23, 11/19/2009 email from Kruessel to OIC with statement of Van Horn; Testimony of Shawn M. Mihal, Chief Compliance Officer with GAA; Exs. 3, 5, 13, 21 written statements of Mihal to OIC and during GAA investigation; Testimony of Allison Kruessel, GAA Investigator; Exs. 7, 8, 9, 11, 12, 13, written statements of Kruessel to OIC and during GAA investigation.] At that time GAA had no reason to believe that the Licensee's January 15, 2009 telephone call impersonating Falcone was fraudulent, and therefore GAA sold all of Falcone's mutual funds and bonds in his GAA IRA.

21. Mr. Robert C. Santonocito ("Santonocito") has been a friend of Falcone for 25-30 years, had worked with Falcone in Seattle, and was Falcone's insurance producer and financial advisor including serving as Falcone's GAA Registered Representative. Santonocito has been educated in insurance and finance, holds a Washington resident insurance producer's license to handle life and health, and perhaps all lines, of insurance, and he also holds Series 7, 65 and 66 securities licenses issued by FINRA allowing him to sell financial products including fixed annuities. He previously worked for Smith Barney and during the time pertinent hereto he worked apparently on his own. [Testimony of Santonocito; Testimony of Falcone.] On or about January 16, 2009, Santonocito was trying a new computer application that kept track of his clients' names and investment information; he selected his client Falcone's name at random to try this system out. In doing so, he noticed that all of Falcone's funds in his GAA mutual fund had been sold and the proceeds withdrawn. He contacted Falcone and asked him about this, and Falcone told Santonocito that he had not sold or withdrawn the GAA funds, had not authorized them to be sold or withdrawn and did not want them to be sold or withdrawn. [Testimony of Santonocito; Testimony of Falcone; Exs. 3, 5, 13, 21, 7, 8, 9, 11, 12, 13; Ex. 25, Investigative Findings by OIC Investigator Victor Overholt.]

22. Based on Falcone's statements, Santonocito suspected there had been fraud in Falcone's account. For this reason, on or about January 20, 2009, Santonocito and Falcone contacted GAA by telephone and advised GAA that Falcone had not authorized the sales of his GAA investments or the withdrawal of the proceeds therefrom. GAA listened to its telephone recording [Ex. 4], played it for Falcone and sent Falcone an Acknowledgment of False Information form to review and execute. [Ex. 2, Acknowledgment of False Information form.] Upon return of this form, GAA restored the account as if the trades had not occurred. [Testimony of Mihal; Ex. 13, January 26, 2009 written statement of Mihal. In addition, on or about January 20, 2009, Falcone confirmed in writing to GAA that he had listened to the January 15, 2009 tape recording whereby an individual representing himself to be Falcone, which instructed GAA to sell all investments in Falcone's GAA IRA and withdraw the proceeds, was

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not his own. [Ex. 3, January 20, 2009 email from Falcone to Mihal; Testimony of Falcone; Testimony of Mihal; Testimony of Kruessel.] Therefore, on January 23, 2009 when GAA received the AVIVA account transfer paperwork which the Licensee had prepared, GAA promptly emailed Falcone to advise him it had received it [Ex. 3], on that date Falcone again confirmed that he did not want to either sell his GAA investments or withdraw the proceeds. [Testimony of Mihal; Ex. 13, written statements of Mihal.]

23. On January 26, 2009, at 10:15 a.m., Shawn Mihal of GAA contacted Falcone to discuss the information GAA had received. Falcone advised Mihal that at the age of 70 he has some intermittent memory loss, he also stated that he met with an insurance salesperson on January 15 but he did not remember signing transfer paperwork, and he stated once again that he did not want to sell his GAA IRA investments or withdraw the proceeds and that while he may have signed some forms on January 15, 2009, he did not give anyone consent to impersonate him to GAA or to affect trades in his GAA IRA account. [Testimony of Mihal; Ex. 13, written statements of Mihal.]

24. Just one hour later on January 26, 2009 at 11:20 a.m., GAA's Trade Desk received another telephone call from the Licensee. [Testimony of Mihal; Ex. 13, written statements of Mihal and Kruessel.] In this second telephone call, once again, the Licensee impersonated Falcone; the Licensee asked for the same GAA broker Van Horn but because GAA had by this time been alerted to the problem by Santonocito and Falcone the call was transferred to Mihal. Once again, the Licensee identified himself to Mihal as *Dick Falcone* and he provided Falcone's correct GAA IRA account number and other personal information obtained from his January 15 visit with Falcone. The Licensee further advised Mihal that he, impersonating Falcone, wanted to check to see that "his" investments in "his" GAA IRA account had been sold and the proceeds transferred to AVIVA as instructed in the AVIVA Request for Funds form. [Ex. 4, GAA tape recording of telephone conversation; Testimony of Mihal; Ex. 13, written statements of Mihal and Kruessel.] When Mihal informed the caller that he, Mihal, and Falcone had just had a telephone conversation an hour ago (above Finding), the Licensee, surprised to be questioned, took on even more of Falcone's identity which he had learned about during his January 15 visit with Falcone, by informing Mihal that *I [meaning Falcone] was an alcoholic for quite some time, and as a result I often forget what I have done in the past...* and went on to ask Mihal what "he" and Mihal had talked about an hour ago. Mihal responded that he did not believe that the caller was Falcone and he had reason to believe the caller was actually *an insurance agent that acquired Falcone's personal information and was using that information inappropriately to gain access to the GAA account.* The Licensee then exclaimed *Wow!* and immediately disconnected the call. [Testimony of Mihal; Ex. 13, written statements of Mihal and Kruessel; Ex. 4, GAA tape recording of Licensee's January 26, 2009 telephone call to GAA impersonating Falcone.]

25. On February 24, 2009, Allison Kruessel, who at the time was a fraud investigator affiliated with GAA, contacted the Licensee by telephone to discuss this matter. She identified herself by name, informed the Licensee that she worked for GAA, and advised him that she was contacting him to discuss the events concerning Falcone. [Testimony of Kruessel.] In response,

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on both occasions the Licensee falsely denied knowing or ever hearing of a Richard Falcone. The Licensee advised her that he made "hundreds/thousands" of cold calls and that therefore he would not have recalled Falcone (even though it had only been five and one-half weeks since the day he went to Falcone's home and began the process of liquidating his GAA IRA account and got caught by GAA impersonating Falcone over the telephone). [Testimony of Kruessel; Ex. 13, written statements of Kruessel; Ex. 25, Investigative Findings of OIC's Overholt.] When Kruessel asked the Licensee to check his appointment book to refresh his memory, the Licensee falsely responded that he did not keep an appointment book because he could keep track of all of his appointments by his memory. [Testimony of Kruessel; Testimony of OIC's Overholt; Ex. 13, written statements of Kruessel; Ex. 25, Investigative Findings of OIC's Overholt.] Kruessel of GAA contacted the Licensee by telephone a second time later, and the Licensee continued to deny doing business with Falcone even though she told him she had information showing that he submitted an application to AVIVA for Falcone. Kruessel of GAA gave the Licensee a review of Falcone's statements to GAA but the Licensee continued to deny everything and expressed displeasure with the fact that Kruessel was continuing to call him about the matter. Only after Kruessel told the Licensee she had a duty to report the problem to the OIC did the Licensee "suddenly" remember he had an appointment book with Falcone's name recorded in it and also remembered specifics about Falcone although he did not relate the facts about this transaction accurately. The Licensee alleged that Falcone was a "raging alcoholic" for many years and cannot remember things. [Testimony of Kruessel; Testimony of OIC's Overholt; Ex. 13, written statements of Kruessel; Ex. 25, Investigative Findings of OIC's Overholt.]

26. On July 6 and July 7, 2009, Kruessel of GAA sent letters informing the OIC of this situation [Ex. 8] and on August 17 and September 8, 2009 sent the OIC her entire investigative file. [Exs. 9, 11, 12, 13, 22.] On August 8, 2009, OIC Investigator Overholt, who had been assigned to the case, telephoned the Licensee to discuss the matter and to ask for copies of all of the Licensee's documents pertaining to the Falcone matter. The Licensee falsely responded to OIC's Overholt that he had shredded all documents. [Testimony of OIC Investigator Victor Overholt; Ex. 14, OIC Overholt's Memorandum of September 8, 2009 Interview with Licensee.]

27. On August 8, 2009 OIC's Overholt also mailed a letter to the Licensee to determine whether the Licensee's activities were simply mistakes or whether they were intentionally dishonest or fraudulent. [Ex. 10, OIC letter to Licensee.] Thereafter, the Licensee called the OIC's Overholt with questions about his August 8 letter, wanting to know just what the OIC wanted in his response and claimed not to understand what the problem was nor understand what GAA's allegations were about. When OIC's Overholt tried to become more specific, the Licensee became evasive and tried to re-phrase most of his comments or statements, changed his story, and ended the conversation by stating that he had shredded all documents pertaining to the Falcone matter. [Ex. 14, OIC Overholt's Memorandum of September 8, 2009 Interview with Licensee.] On or about September 8, 2009 the Licensee sent a written, undated, response to OIC's August 8 letter [Ex. 15, Licensee's undated Statement to OIC's Overholt, apparently received by OIC's Overholt on September 9, 2009] and also to AVIVA. [Ex. 16, Licensee's undated Statement to AVIVA, apparently received by AVIVA on September 9, 2009.] In the

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Licensee's letters to OIC's Overholt and also to AVIVA, the Licensee falsely told the OIC and AVIVA that GAA called him *out of the blue, twice, with no explanation or announcement of their identities or credentials* and asked him about details about the Falcone matter. He advised that he would do his best to recall as much information as possible about this case *but bear in mind that was 9 months ago, hundreds of client meetings ago and thousands of phone calls ago*. The Licensee did state that Falcone told him at the outset of their January 15, 2009 visit that he had a *terrible memory and won't remember a lot of what we will talk about*. While the Licensee omitted informing OIC's Overholt and AVIVA that he had called GAA on January 15, 2009, he did admit – although falsely – that *On January 26, 2009, I called GAA and identified myself as calling on behalf of Falcone and gave all the pertinent information ... in order to see how the transfer was moving forward*. The Licensee also falsely told OIC's Overholt and AVIVA that *So as far as the complaint goes, I met with Falcone at his request*. He also falsely told the OIC and AVIVA that *Never did I impersonate or attempt to impersonate Falcone. ... I do things by the book because I don't want trouble*. [Exs. 15, Licensee's written statement to OIC's Overholt; Ex. 16, Licensee's written statement to AVIVA.]

28. In a subsequent September 14, 2009 letter from the OIC's Overholt to the Licensee, the Licensee was asked *Did Richard Falcone, give you permission to represent him to GAA and effect trades on his GAA account?* to which he falsely replied *No, I never represented myself as Richard Falcone*. Then the Licensee was asked *Did you call the GAA Trade Desk on January 16, 2009 requesting the liquidation of all positions held in Mr. Falcone's GAA account?* and he falsely replied *No*. The Licensee was asked *On January 26, 2009, did you identify yourself as Richard Falcone and provide the appropriate account number to GAA's Mr. Mihal, while attempting to check on the liquidation of a bond position in Mr. Falcone's GAA account?* and he falsely replied *No, I did not represent myself as Richard Falcone. I said I'm calling on behalf of Richard Falcone*. The Licensee answered most of the OIC's remaining questions with *I don't recall* or *Not that I know of*. [Ex. 19, Licensee's handwritten responses to OIC's September 14, 2009 questions.]

29. The Licensee continuously falsely denied – to the OIC, GAA and AVIVA – impersonating Falcone in the January 15 and January 26, 2009 telephone conversations wherein a caller instructed GAA to sell all investments in Falcone's GAA IRA. He continued to falsely deny, first, any knowledge of Falcone, and then for the three years thereafter the OIC's allegation that he had impersonated Falcone. At hearing herein, some three years later, after he had listened to the tapes of these January 15 and January 26, 2009 telephone conversations with GAA, the Licensee finally admitted that it was him on the tape recording and that he had impersonated Falcone in these conversations with GAA. The Licensee's testimony at hearing was *I didn't remember what I said in the telephone calls with GAA until I heard the tapes*. It is hereby found that the Licensee fraudulently impersonated Falcone in these two telephone calls to GAA, January 15 and January 26, 2009. [Ex. 4.] It is further found that 1) the Licensee had no authority from Falcone or anyone to telephone GAA and request that Falcone's GAA mutual fund investments be sold and transferred; and 2) the Licensee had no authority, under any circumstances, to impersonate Falcone.

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30. The fixed indexed deferred annuity product that the Licensee sold Falcone was not an appropriate investment for him. [Testimony of OIC's Overholt.] This was because of the fact that, among other reasons, 1) the Licensee invested Falcone's entire life savings (\$157,000) in this product and needed these funds for household, emergency and other expenses. Selling this product to Falcone produced a commission of some 8.5% up front for the Licensee, but thereby changed Falcone's liquid investment with GAA into a nonliquid investment with AVIVA. The fixed indexed deferred annuity product the Licensee attempted to sell Falcone has more restrictions and longer surrender periods and limits than Falcone's GAA IRA account had: where Falcone could access his funds with GAA without penalty, there were significant penalties should Falcone wish to withdraw any of his funds paid for the AVIVA product (in excess of 10%) in the first 10 years after his purchase. This would have meant that Falcone essentially could not have access to his funds – which was all of the money he owned – until he was over 80 years old. [OIC Ex. 13, terms of AVIVA product; Testimony of OIC's Overholt; Testimony of Santonocito.] 2) Also, during his first (and only) visit with Falcone on January 15, 2009, Falcone advised the Licensee that he had significant problems with his memory because he had been an alcoholic. Even so, the Licensee continued to identify Falcone's assets and had him sign documents to transfer his assets into this nonliquid AVIVA annuity. The Licensee should, in fact, have discontinued his activities with Falcone at least until Falcone had a relative or other advisor with him to help. [Testimony of Overholt; Testimony of Santonocito.] 3) In addition, the fixed indexed deferred annuity product is an extremely complicated one which is commonly misunderstood among seniors and other consumers, and Falcone did not understand this product. [Testimony of Falcone; Testimony of OIC's Overholt.] Instead, the Licensee effected this transaction, which served to enrich himself by its generous commission of approximately 8.5%. Finally, 4) Falcone did not want to sell his investments in his GAA IRA account. [Testimony of Falcone; Testimony of OIC's Overholt; Testimony of Santonocito; Testimony of Mihal; Ex. 13, written statements of Mihal and Kruessel.] Even so, the Licensee has continually and falsely denied any wrongdoing at all relative to the Falcone matter – from the time he was first contacted by the OIC and GAA in early 2009 continuously and throughout the hearing herein some three and one-half years later. [Testimony of Licensee; Testimony of OIC's Overholt; Testimony of Kruessel; written responses from Licensee to OIC; Ex. 25, Investigative Findings of OIC's Overholt.] The Licensee even denies that he knows there have been problems nationally with sales of the fixed indexed annuity products and other insurance and financial products to senior citizens. [Testimony of Licensee.]

31. The Licensee consistently made intentionally false statements to investigators for GAA and AVIVA relative to the Falcone matter beginning in, at least, February 24, 2009. The Licensee also intentionally made false statements to the OIC about this matter many times, beginning with the OIC's investigation in August 2009 and continuing under oath during the hearing.

32. It is most likely that the Licensee has left many other elderly clients in the position Falcone would have been in had Santonocito not discovered the problem and helped Falcone.

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This is because it is clear that the way the Licensee handled his transactions with Falcone are the normal way he conducts his insurance business with his other elderly clients and he believes that his activities relative to Falcone are the proper way to conduct insurance business with prospective insurance clients between 50 and 80 years old and perhaps others as well. Additionally, it is rare that a third person such as Santonocito becomes involved 1) who by sheer coincidence discovers the Licensee's activities, and at the exact time to be able to help extricate the elderly client from the harmful situation which an insurance producer has put them in; 2) who is able to understand that fraud has occurred and that the client is being harmed; and 3) who is willing to take action to protect the elderly client. In the vast majority of situations, no one would be there to recognize and take action to protect the elderly client from this harmful situation. [OIC Ex. 29, CNN literature; Testimony of OIC's Overholt.]

33. Richard P. Falcone appeared as a witness for the OIC. As found above in Finding Nos. 14 and 15, Mr. Falcone has substantial problems with his memory and, as the Licensee admits Falcone informed him, cannot remember a very significant amount of events and details about what happened to him in the past. Consistent with this, Mr. Falcone could not remember most anything about the Licensee, the Licensee's visit to his home, his completion of the subject insurance paperwork or other events surrounding the transaction at issue herein. The Licensee tried the best he could during his testimony, and both in stating that he could not remember certain events at issue herein and in presenting information that he could testify to (e.g., whether a certain signature was his own) he presented his testimony in a detailed and credible manner and presented no apparent biases.

34. Mr. Robert Santonocito appeared as a witness for the OIC. Mr. Santonocito has been a friend of Falcone since 1980, and is his financial advisor. [Testimony of Santonocito; Testimony of Falcone.] Mr. Santonocito is a Registered Advisor, which he understands to hold a fiduciary responsibility to his clients and to place their interests ahead of his own. Mr. Santonocito has held a Washington resident insurance producer's license for many years and also holds Series 7, 65 and 66 securities licenses issued by FINRA which allow him to sell financial products including fixed indexed deferred annuities such as those at issue herein. He is educated in the areas of insurance and financial planning, worked for Smith Barney for some time and is now an insurance producer and financial advisor on his own appointed to represent GAA and perhaps other insurers. Some years ago, because his then current advisor with another company had left, Falcone asked Mr. Santonocito if he would be his insurance producer and financial advisor, and at that time their professional relationship began. [Testimony of Santonocito; Testimony of Falcone.] Only through Mr. Santonocito's remarkable efforts were the Licensee's activities concerning Falcone discovered and rectified. Mr. Santonocito presented his testimony in a detailed and credible manner and presented no apparent biases. Santonocito should be recognized by GAA, the OIC, Falcone and the insurance community as a very exemplary professional in his field of practice.

35. Shawn M. Mihal, who at all times pertinent hereto was Chief Compliance Officer of GAA in Cincinnati and holds a Series 7 and 66 registration with FINRA and is an SEC Registered

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Investment Advisor (and at the time of the hearing had become Vice President and Chief Compliance Officer of GAA in Florida) was the person in charge of handling the situation once Mr. Santonocito brought it to the attention of GAA. Mr. Mihal appeared by telephone as a witness for the OIC, and presented his testimony in a detailed and credible manner and presented no apparent biases.

36. Allison Kruessel is trained as an insurance fraud investigator. During all times pertinent hereto she was a Security Specialist I for American Financial Group, Inc., the ultimate parent company of GAA, and became involved as an investigator in this matter once Mr. Santonocito brought it to the attention of GAA. Ms. Kruessel appeared by telephone as a witness for the OIC, and presented her testimony in a detailed and credible manner and presented no apparent biases.

37. Victor E. Overholt, Investigator for the OIC, appeared as a witness for the OIC. Mr. Overholt presented his testimony in a very detailed, comprehensive, thorough and credible manner and presented no apparent biases. He clearly has a wealth of experience and expertise in the area of sales to senior citizens from past years as well as a wealth of current experience and expertise. Due to Overholt's training and persistence, and the good cooperation of GAA, the facts at issue herein came to light.

38. Gregg A. Henderson, the Licensee, appeared as a witness for the OIC and as sole witness on his own behalf. Mr. Henderson admits that Falcone has serious memory problems. The Licensee also admits that he impersonated Falcone during his telephone calls to GAA on January 15 and 26, 2009, and that he caused Falcone's GAA investments to be liquidated and withdrawn from his GAA account. However, the bases of the Licensee's appeal is 1) that no one was financially damaged by the Licensee's activities; 2) that the Licensee had no malicious intent, he just wanted to help Falcone and he believed that the fixed indexed deferred annuity which the Licensee sold to Falcone was a better, and appropriate, investment for him; and 3) that Falcone had given the Licensee the authority to act on his behalf with regard to his finances and so the Licensee impersonating Falcone was one way that the Licensee was representing Falcone in effecting the sale and transfer of his GAA IRA account. The following findings concern the credibility and competency of the Licensee:

1) The Licensee appears to have no recognition that the only reason no one was financially damaged was because Santonocito – by sheer coincidence – caught the Licensee in the middle of the sale and transfer of Falcone's life savings and spent considerable time and effort in working with both Falcone and GAA to see that Falcone's life savings went back into the investments in Falcone's GAA IRA where he intended them to be. [Testimony of Vic Overholt; OIC Ex. 25, Investigative Findings of OIC's Overholt; Testimony of Santonocito; Testimony of Mihal; Testimony of Kruessel.]

2) In spite of exhaustive examination and cross examination by the OIC, and in spite of hearing testimony from other witnesses and reviewing documents entered into evidence

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which contradicted his own testimony, the Licensee never acknowledged that the AVIVA product he sold Falcone was not appropriate for a man of Falcone's age and means. He also never acknowledged that, in fact, Falcone's life savings totaling \$157,000 were actually not even able to be withdrawn and used by him without penalty until he was in his 80s, nor did he recognize that an individual such as the Licensee with no other assets and only Social Security income should virtually never tie his or her sole assets up in this type of insurance product. [Testimony of OIC's Overholt; OIC Ex. 13, AVIVA documents.]

3) The Licensee failed to recognize that he was remiss in even effecting this transaction even if it were appropriate for Falcone because he knew that Falcone had a very bad memory.

4) The Licensee failed to recognize that he did not have the authority to represent Falcone because Falcone had no capacity to give him such authority. Even if Falcone had given the Licensee authority to represent him, this never means a producer has the authority to impersonate Falcone.

5) Throughout his testimony, the Licensee most often responded *I do not remember* and *I do not recall* scores, possibly hundreds, of times in answer to simple questions about the issues herein that he could not have forgotten the answer to. He also often answered questions with questions; and/or he simply evaded responding to simple questions in a straightforward manner. Additionally, when asked whether he was/had been a party to any lawsuits, the Licensee became hostile and evasive, responding "What about them?" "I have no idea." "I do not recall." When asked whether he had ever been convicted of a crime he responded "Not that I recall" twice and when opposing counsel brought evidence of the Licensee's being convicted of one crime, the Licensee still stated he did not recall this, that he had no idea, that he needed more information, etc. and continued being evasive. Although opposing counsel brought out a list of lawsuits in which the Licensee appears to be a named party, the Licensee continued to advise that he had no recollection of these cases until more questioning brought out his statement that he had indeed been involved in a number of these fairly recent lawsuits in which he was/is a party. Further, it is incredible that he would not remember that he had pled guilty and been convicted of a crime of theft – for which he performed community service in lieu of going to jail – even if it were a number of years ago.

6) The Licensee also appears to have a great disregard for rules governing sales of insurance and financial products, and literally seems to lack any empathy toward others. Statements he made under oath included: *"I was dumping all Falcone had into this annuity."* *"Falcone probably wouldn't remember what he had for breakfast this morning."* "[Regarding being evasive and hostile in his testimony and presentation] *That's the old defense mechanism kicking in again – old habits die hard – I impersonated Falcone – it is what it is.*" *"Falcone said he was recently divorced and not getting along with his daughter and I thought this guy is a lone wolf out there."* *"I go in one day and get the signatures that day – Bankers Life taught me that."* Responding to why he wrote in all of the information into Falcone's AVIVA application, transfer

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of funds request and all other papers instructing GAA to sell Falcone's investments and transfer the proceeds: *"I wrote all of the information into Falcone's [and presumably other senior citizens'] insurance application papers because I don't want to spent 45 minutes watching some guy filling in the application, so I just fill it in."*

7) Finally, the Licensee is simply not credible. He is an educated, sophisticated, charming, very articulate individual who seems to be unable to tell the truth. He seems to be entirely comfortable making up information – untrue statements, excuses, pleading lack of recall – on the spur of the moment and maintaining his position even in the face of clear evidence against his statements and even if it harms another person. He also exhibits changing demeanor: while he is nearly constantly evasive, he changes from being ingratiating and friendly, then hostile, then angry, then sullen, then perplexed, then somewhat arrogant and insulting, and then changes again. He seems unable to see any perspectives other than his own self-serving ones and he virtually never admitted to any wrongdoing. While at hearing he denied any wrongdoing with Falcone when he visited his home, given even his behavior to Falcone and others at hearing it is not difficult to find that he became argumentative, angry and volatile with Falcone when he was not easily making his sale. It is also clear that this is behavior that he either believes is necessary to achieve his goal in some situations with senior citizens, or that he cannot control, and it is certainly behavior which he denies.

39. It is reasonable that the OIC's Order Revoking License, No. 12-0067, revoking the insurance producer's license of Gregg A. Henderson, should be upheld. Further, because the Licensee is the sole owner and operator of Washington insurance producer Retirement Protection Services, LLC, it is reasonable that the OIC should take action against that insurance agency producer as appropriate. It is recommended that the OIC very carefully scrutinize any future applications for producer's licenses for the Licensee or any entity with which he is affiliated.

CONCLUSIONS OF LAW

Based upon the above Findings of Facts, it is hereby concluded:

1. The adjudicative proceeding herein was duly and properly convened and all substantive and procedural requirements under the laws of the state of Washington have been satisfied. This Order is entered pursuant to Title 48 RCW and specifically RCW 48.04; Title 34 RCW including, for good cause shown, RCW 34.05.458(8); and regulations pursuant thereto.
2. RCW 48.17.530(1) provides that the OIC may revoke the license of any producer for any one or more of the causes specified in RCW 48.17.530(1)(a) through (m). As specifically alleged by the OIC in its Order Revoking License, it is hereby concluded that in the activities raised in the OIC's Order Revoking License the Licensee did engage in activities contemplated by RCW 48.17.530(l)(h).

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3. As alleged by the OIC in its Order Revoking License, it is hereby concluded that in fraudulently and dishonestly impersonating his client Richard P. Falcone in an attempt to liquidate the client's account and sell him insurance, the Licensee used fraudulent, coercive, and dishonest practices in this state, as contemplated in violation of RCW 48.17.530(1)(h).
4. As alleged in the OIC's Order Revoking License, it is hereby concluded that the Licensee demonstrated incompetence, untrustworthiness and financial irresponsibility in this state, as contemplated by RCW 48.17.530(1)(h).
5. As alleged in the OIC's Order Revoking License, it is hereby concluded that the Licensee knowingly made false, deceptive and misleading representations in the conduct of the business of insurance, in violation of RCW 48.01.040.
6. As alleged in the OIC's Order Revoking License, it is hereby concluded that the conduct of the Licensee at issue in this matter was not actuated by good faith, that the Licensee failed to abstain from deception, and the Licensee practiced dishonesty in the business of insurance, as contemplated by RCW 48.01.030.
7. Finally, it is hereby concluded that based upon the above Findings of Facts and Conclusions of Law the OIC's Order Revoking License, revoking the Washington resident insurance producer's license of Gregg A. Henderson, should be upheld. Further, because the Licensee is the sole owner and operator of Washington insurance producer Retirement Protection Services, LLC, it is reasonable that the OIC should take action against that Washington licensed insurance producer as appropriate.

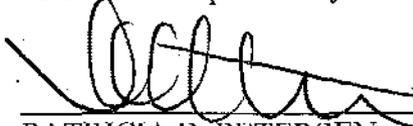
ORDER

On the basis of the foregoing Findings of Facts and Conclusions of Law,

IT IS HEREBY ORDERED that the Washington State Insurance Commissioner's Order Revoking License, No. 12-0067, is upheld.

IT IS FURTHER ORDERED that Gregg A. Henderson shall mail or deliver his original Washington resident insurance producer's license to the Office of the Insurance Commissioner, 5000 Capitol Boulevard, Tumwater, Washington 98501 or P.O. Box 40255, Olympia, Washington 98504-0255 so that it is received by the Office of the Insurance Commissioner within 10 days of the date of this Order.

ENTERED AT TUMWATER, WASHINGTON, this 25th day of March, 2013, pursuant to Title 48 RCW and specifically RCW 48.04 and Title 34 RCW and regulations applicable thereto.



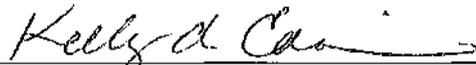
PATRICIA D. PETERSEN
Chief Presiding Officer

Pursuant to RCW 34.05.461(3), the parties are advised that they may seek reconsideration of this order by filing a request for reconsideration under RCW 34.05.470 with the undersigned within 10 days of the date of service (date of mailing) of this order. Further, the parties are advised that, pursuant to RCW 34.05.514 and 34.05.542, this order may be appealed to Superior Court by, within 30 days after date of service (date of mailing) of this order, 1) filing a petition in the Superior Court, at the petitioner's option, for (a) Thurston County or (b) the county of the petitioner's residence or principal place of business; and 2) delivery of a copy of the petition to the Office of the Insurance Commissioner; and 3) depositing copies of the petition upon all other parties of record and the Office of the Attorney General.

Declaration of Mailing

I declare under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery through normal office mailing custom, a true copy of this document to the following people at their addresses listed above: Gregg A. Henderson, Mike Kreidler, Deborah McCurley, John F. Hamje, Esq., Alan Singer, Esq., and Carol Sureau, Esq.,

DATED this 25th day of March, 2013.



KELLY A. CAIRNS