

BEFORE JAMES A. DODRILL, INSURANCE COMMISSIONER  
OF THE STATE OF WEST VIRGINIA

*In the Matter of:*

**RUSSELL R. RUCKER, III**

Administrative Proceeding No. 19-AP-PRLC-02010

ORDER DENYING REQUEST TO RECONSIDER AND TO SET  
ASIDE PREVIOUS ORDER REVOKING PRODUCER LICENSE

FINDINGS OF FACT

1. Russell R. Rucker, III was previously a resident licensed insurance producer in the State of West Virginia, previously possessing license number 3088272 as had been issued by the Commissioner.

2. On or about November 1, 2019, the Insurance Commissioner suspended Mr. Rucker's aforementioned resident insurance producer's license.

3. On December 6, 2019, the Commissioner entered a Consent Order revoking Mr. Rucker's insurance producer license based upon violations of the following statutory provisions: §§ 33-12-24(b)(2), 33-12-24(b)(4), 33-12-24(b)(6), 33-12-24(b)(9) and 33-12-34(b) of the *West Virginia Code*, as amended.

4. Upon entry of the Consent Order, the resident insurance producer license of Russell R. Rucker, III was revoked, and a civil fine or penalty in the amount of TEN THOUSAND DOLLARS (\$10,000.00) was imposed against him.

5. On February 4, 2020, Mr. Rucker, in a telephonic discussion with the Commissioner's Legal Division which followed email correspondence from Mr. Rucker seeking such discussion, requested that the Commissioner reconsider the prior revocation action, to which

action, notably, Mr. Rucker had consented, and that the December 6, 2019 Consent Order revoking his producer license be, at least temporarily, set aside.

6. Mr. Rucker is currently a convicted felon, having plead guilty to certain tax crimes in the United States District Court for the Southern District of West Virginia, at Huntington, and has since been sentenced to a period of incarceration.

7. When Mr. Rucker requested the aforementioned relief, he stated that he sought such relief so that he can sell his agency's (the producer license of the agency has also been revoked by order of the Commissioner) and wind up any related insurance business that remains before he is to self-report to federal prison on April 25, 2020.

8. Specifically, Mr. Rucker requested that his insurance producer's license be reinstated and that he be also granted a waiver pursuant to 18 U.S.C. 1033, commonly referred to as a "1033 Waiver", so that he may accomplish the tasks set forth in the preceding paragraph. Specifically, Mr. Rucker stated that, until he is required to report to federal prison for his period of incarceration, he wants to be able to engage in the business of insurance "as usual".

#### CONCLUSIONS OF LAW

1. James A. Dodrill is the Insurance Commissioner of the State of West Virginia ("Insurance Commissioner" or "Commissioner"), is charged with enforcing the provisions of Chapter 33 of the *West Virginia Code*, as amended, and has statutory regulatory authority over the licensing of insurance producers in the State of West Virginia pursuant to Article 12, Chapter 33 of the *West Virginia Code*, as amended.

2. Mr. Rucker wholly failed, even back to the time he was initially indicted for multiple federal, tax-related criminal acts in or about February 2019, to ever report the existence of the criminal matter against him to the Commissioner as he is required to do by law, and Mr.

Rucker further failed to report that he had been convicted of at least one of the crimes for which he had been indicted, also as he is required to do by law.

3. In violation of Chapter 33, Article 12 of the *West Virginia Code*, as amended, Mr. Rucker pleaded guilty to, and now stands convicted of, a felony in connection with his activities as an insurance agent; used fraudulent, coercive, or dishonest practices; and has demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in West Virginia.

4. Mr. Rucker has been sentenced to a period of incarceration and is scheduled to report to federal authorities to begin such period of incarceration on or about April 25, 2020.

5. Based upon the aforementioned criminal, dishonest, incompetent, untrustworthy and financially irresponsible acts of Mr. Rucker, the potential for harm to unwitting West Virginia consumers, businesses, and/or domestic or foreign insurers, if the Commissioner were to grant the relief requested, is high, and granting the requested relief would not be in the best interests of the public.

ORDER

It is, therefore, **ORDERED** that the request of Russell R. Rucker, III for the Commissioner to reconsider and set aside or vacate, even temporarily, the prior Consent Order entered in this matter and to grant Mr. Rucker a waiver pursuant to 18 U.S.C. 1033, a "1033 Waiver", so that he can engage in the business of insurance is **DENIED**.

ENTERED this the 5<sup>th</sup> day of February, 2020.

  
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JAMES A. DODRILL  
Insurance Commissioner

Prepared by:



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