



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION

IN RE:

Jewel D. Nies,

Renewal Applicant.

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Case No. 130801485C

ORDER REFUSING TO RENEW INSURANCE PRODUCER LICENSE

On September 16, 2013, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue Jewel D. Nies’s 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. Jewel D. Nies (“Nies”) is a Missouri resident with a residential and mailing address of 103 Birkdale Court, St. Charles, MO 63303.
2. On or about June 10, 2013, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received an incomplete electronic resident insurance producer license renewal application (“Application”) from Nies.
3. Nies’s Application became complete on June 18, 2013 when she submitted all required documentation.
4. The Department issued Nies a resident insurance producer license on June 16, 1993 (License No. 0275961) which expired on June 16, 2013.
5. In the section of the Application headed “Background Questions,” Background Question # 1 asks, in relevant part, “Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime, which has not been previously reported to this insurance department?”
6. Nies answered “Yes” to Background Question # 1, and disclosed a 2012 Class C Felony of Assault 2nd Degree – Operating a Vehicle While Intoxicated Resulting in Injury. *State v. Jewel Nies*, St. Louis Co. Cir. Ct., Case No. 10SL-CR01794.
 - a. On or about February 19, 2010, Nies was charged with the Class C Felony of Assault 2nd Degree – Operating a Vehicle While Intoxicated Resulting in Injury, in violation

of § 565.060, RSMo (Supp. 2009).¹ *Id.*

- b. On or about May 4, 2012, Nies pleaded guilty to the Class C Felony of Assault 2nd Degree – Operating a Vehicle While Intoxicated Resulting in Injury. *Id.*
 - c. On or about July 13, 2012, the court sentenced Nies to five years in the custody of the Department of Corrections, suspended the execution of the sentence, and placed Nies on five years' probation. Nies's probation is scheduled to end on or about July 13, 2017. *Id.*
7. Prior to June 10, 2013, Nies did not report to the Director the criminal prosecution for a felony. *Id.*

CONCLUSIONS OF LAW

8. Section 375.141 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:

* * *

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;

* * *

(6) Having been convicted of a felony or crime involving moral turpitude[.]

* * *

7. Within thirty days of the initial pretrial hearing date, a producer shall report to the director any criminal prosecution for a felony or a crime involving moral turpitude of the producer taken in any jurisdiction. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant legal documents.

9. The principal purpose of § 375.141 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).
10. Nies may be refused the renewal of her insurance producer license pursuant to § 375.141.1(2) because she failed to report to the Director a criminal prosecution for a felony within thirty days of the initial pretrial hearing date, in violation of § 375.141.7. *State v. Jewel Nies*, St. Louis Co. Cir. Ct., Case No. 10SL-CR01794.

¹ All statutory references are to the Revised Statutes of Missouri (Supp. 2012) unless otherwise noted.

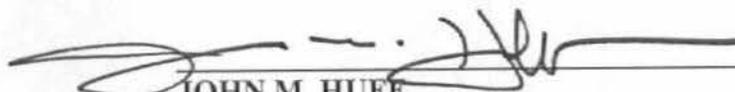
11. Nies may be refused the renewal of her insurance producer license pursuant to § 375.141.1(6) because she has been convicted of Assault 2nd Degree – Operating a Vehicle While Intoxicated Resulting in Injury, which is a felony. *State v. Jewel Nies*, St. Louis Co. Cir. Ct., Case No. 10SL-CR01794.
12. Nies may be refused the renewal of her insurance producer license pursuant to § 375.141.1(6) because she has been convicted of Assault 2nd Degree – Operating a Vehicle While Intoxicated Resulting in Injury, which is a crime of moral turpitude. *State v. Jewel Nies*, St. Louis Co. Cir. Ct., Case No. 10SL-CR01794. See *State Bd. Of Embalmers & Funeral Dirs. v. Weatherford*, No. 02-1303 EM (Mo. Admin. Hearing Comm'n Feb. 11, 2003) (“[A]ssault by driving under the influence involves a gross deviation from the standard of care while driving, which demonstrates a lack of respect for the rights of others.”)
13. The Director has considered Nies’s history and all of the facts and circumstances surrounding the Application, and for the reasons stated in this Order refuses to renew Nies’s insurance producer license.
14. Renewing Nies’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 renewal of the insurance producer license of Jewel D. Nies (No. 0275961) is hereby **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 16th DAY
OF SEPTEMBER, 2013.




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 18th day of September, 2013, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and UPS at the following addresses:

Jewel D. Nies
103 Birkdale Court
St. Charles, Missouri 63303

Tracking No: 1Z0R15W84294588481



Kathryn Randolph, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Kathryn.Randolph@insurance.mo.gov