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

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| IN THE MATTER OF: | ) | |
| | ) | |
| Jacqueline Taylor, | ) | Case No. 08A000447 |
| | ) | |
| Applicant. | ) | |
| | ) | |
| Serve at: | ) | |
| | ) | |
| 1777 Killarney Drive<br>Winter Park, FL 32789-3523 | )<br>)<br>) | |

## REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On March 26, 2009, Elfin L. Noce, as Legal Counsel for the Investigations Section of the Division of Consumer Affairs, submitted a Petition to the Director alleging cause for refusing to issue the insurance producer license application of Jacqueline Taylor ("Applicant"). After reviewing the Petition, and the investigative report, the Director issues the following findings of fact, conclusions of law and summary order:

## FINDINGS OF FACT

1. Jacqueline Taylor ("Applicant") is a Florida resident with an address of 1777 Killarney Drive, Winter Park, FL 32789-3523.

2. On June 4, 2008, the Department of Insurance, Financial Institutions & Professional Registration ("Department") received the electronic Uniform Application for Non-Resident Individual Producer License ("Application").

3. Under "Background Questions," question #2 of the Application asks: "Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company, ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?"

4. Applicant answered "No" to this question.

5. On June 4, 2008, a search was run on the National Association of Insurance Commissioners (NAIC) Regulatory Information Retrieval System, which discovered four (4) administrative actions that had been taken against Applicant.

6. On February 20, 1996, Applicant entered into a Consent Order with the state of Florida for a Misappropriation of Premium and had a penalty/fine/forfeiture of $1,000.00.

7. On December 7, 2000, Applicant was denied an insurance producer license, or its equivalent, in the state of Wisconsin for failure to make required disclosure on the license application.

8. On October 7, 2005, Applicant's insurance producer license, or its equivalent, was revoked in the state of Washington for failure to respond.

9. On June 29, 2006, Applicant's insurance producer license, or its equivalent, was suspended in the state of Indiana for failure to submit a list of appointments.

10. On June 13, 2008, Special Investigator Dana Whaley mailed a letter to Applicant requesting certified copies of each order from the above mentioned administrative actions and an explanation of why Applicant failed to provide this information on her Application. Special Investigator Whaley requested a response on or before June 27, 2008.

11. Applicant did not respond to the June 13, 2008 letter.

12. On June 30, 2008, Special Investigator Whaley mailed a second letter to Applicant, again requesting the information requested in the June 13, 2008 letter. Special Investigator Whaley requested a response from applicant on or before July 15, 2008.

13. Applicant did not respond to the June 30, 2008 letter.

14. On July 25, 2008, a Subpoena Duces Tecum, ordering Applicant's presence at the Department on August 26, 2008 at 10:00 a.m., was mailed via certified mail to Applicant.

15. On August 4, 2008, the certified mail return receipt was signed and returned to the Department.

16. On August 26, 2008, Applicant failed to appear for the Subpoena Conference scheduled for 10:00 a.m.

## CONCLUSIONS OF LAW

17. Section 375.015, RSMo (Supp. 2008) provides, in part:

. . .

3. The director may require any documents reasonably necessary to verify the information contained in an application.

. . .

18. Section 375.141, RSMo (Supp. 2008) 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:

(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;

. . .

(9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

. . .

19. 20 CSR 100-4.100, Required Response to Inquiries by the Consumer Affairs Division, provides in relevant part:

. . .

(2) Except as required under subsection (2)(B)—

(A) Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry...

(B) This rule shall not apply to any other statute or regulation which requires a different time period for a person to respond to an inquiry by the department. If another statute or regulation requires a shorter response

time, the shorter response time shall be met. This regulation operates only in the absence of any other applicable laws.

. . .

20. Section 374.210.2 states, in part:

> 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.

21. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course of the mails. *Hughes v. Estes*, 793 S.W.2d 206 (Mo. App. 1990).

22. 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).

23. Applicant may be refused an insurance producer license based upon §§ 375.141.1(1) and 375.141.1(3), RSMo (Supp. 2008), for providing materially incorrect and untrue information on her Application and by attempting to obtain a license through material misrepresentation by her answer of "No" in response to question #2.

24. Applicant may be refused an insurance producer license based upon § 375.141.1(2), RSMo (Supp. 2008), for failing to respond to inquiries by the Department, thereby violating 20 CSR 100-4.100 by failing to provide an adequate response to inquiries from the Department's Division of Consumer Affairs within twenty (20) days of the Division's inquiry.

25. Applicant may be refused an insurance producer license based upon § 375.141.1(9), RSMo (Supp. 2008), for having her insurance producer license, or its equivalent, revoked by the state of Washington.

26. Applicant may be refused an insurance producer license based upon § 375.141.1(9), RSMo (Supp. 2008), for having her insurance producer license, or its equivalent, denied by the state of Wisconsin.

27. Applicant may be refused an insurance producer license based upon § 375.141.1(9), RSMo (Supp. 2008), for having her insurance producer license, or its equivalent, suspended by the state of Indiana.

28. Applicant may be refused an insurance producer license based upon § 374.210.2,

RSMo (Supp. 2008), for refusal to produce records requested by the director.

29. In applying his discretion, the Director has considered the history of Applicant and all of the circumstances surrounding Applicant's Application including Applicant's misrepresentations on Application, her failure to respond to repeated inquiries by the Department and the discipline of her insurance producer license, or its equivalent, by other states. Applicant's history raises questions of Applicant's ability to comply with Missouri law and whether she has demonstrated that she can meet the significant responsibilities of a licensed insurance producer. For these reasons, the Director exercises his discretion in refusing to issue an insurance producer license to Applicant.

30. This order is in the public interest.

**ORDER**

IT IS THEREFORE ORDERED that issuance of the insurance producer license of Applicant Jacqueline Taylor is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 3RD DAY OF APRIL, 2009.

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 of Missouri, P.O. Box 1557, Jefferson City, Missouri within thirty (30) days after the mailing of this notice pursuant to Section 621.120, RSMo.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 2009, a copy of the foregoing notice and order was served upon the Applicant in this matter by certified mail.

Karen Crutchfield

Karen Crutchfield
Senior Office Support Staff