State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:	)	
	)	
	)	**Case No. 09-0511526C**
Melinda S. Parker,	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
634 SE Joel Avenue	)	
Lee's Summit, Missouri 64063	)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On May 26, 2009, Tamara W. Kopp, Senior Enforcement Counsel and Counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Melinda S. Parker. 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:

FINDINGS OF FACT

1. Melinda S. Parker ("Parker") is an individual residing in Missouri, whose mailing address of record is 634 SE Joel Avenue, Lee's Summit, Missouri 64063.

2. On or about February 3, 2009, the Department of Insurance, Financial Institutions & Professional Registration ("Department") received the Uniform Application for Individual Insurance Producer License of Parker ("Application").

3. In the section of the Application headed "Background Questions," Background Question # 1 asks "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime? . . . 'Convicted' includes, but is not limited to, having been found guilty by verdict of a judge or jury, [or] having entered a plea of guilty or nolo contendere . . . "

4. Parker answered "Yes" to Background Question # 1.

5. As an attachment to her Application, Parker supplied a narrative explanation of her

criminal history, a copy of the federal information in which she was charged with a felony, and the judgment entered which sentenced her to twenty-one (21) months imprisonment for mail fraud and ordered her to pay restitution.

6. Parker later supplied the Plea Agreement whereby she pleaded guilty to a felony count of mail fraud, an offense defined in 18 U.S.C. § 1341. Parker admitted that between August 2001 and December 22, 2003, she devised a scheme to defraud Target Stores, Inc., and WalMart, Inc., by replacing the bar codes for expensive items with bar codes for cheaper items causing a loss of over $200,000. As part of the scheme, Parker admitted to mailing a package on September 11, 2003, from Kansas City, Missouri containing stolen property.

7. On April 10, 2006, Parker was sentenced to twenty-one (21) months imprisonment; she served eighteen (18) months in prison and was released in November 2007. Parker's probation is scheduled to end in November 2010.

CONCLUSIONS OF LAW

8. 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:
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> ...
>
> (6) Having been convicted of a felony or crime involving moral turpitude;
>
> ...
>
> (8) Using fraudulent, coercive, or dishonest practices, or demonstrating
> incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

9. A crime involving "moral turpitude" is a crime involving "an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty, and good morals'." *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985).

10. The principal purpose of § 375.141, RSMo (Supp. 2008), 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).

11. Parker may be refused an insurance producer license, based upon § 375.141.1(6), RSMo (Supp. 2008), for her conviction in federal court for Mail Fraud, an offense defined in 18 U.S.C. § 1341, in that the offense is a class C felony under federal law.

12. Parker may be refused an insurance producer license, based upon § 375.141.1(6), RSMo (Supp. 2008), for her conviction in federal court for Mail Fraud, an offense defined in 18 U.S.C. § 1341, in that the acts constituting the offense are contrary to justice, honesty and good morals, and the offense is therefore a crime of moral turpitude.

13. Parker may be refused an insurance producer license, based upon § 375.141.1(8), RSMo (Supp. 2008), for her conviction in federal court for Mail Fraud, an offense defined in 18 U.S.C. § 1341, in that the acts constituting the offense also constitute fraudulent or dishonest practices, and demonstrate incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

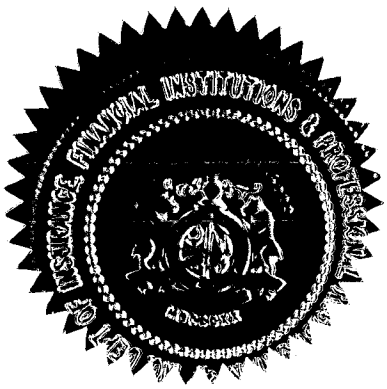
14. Parker's conviction and plea concern a crime involving fraud, specifically the alteration of bar codes. Parker's criminal history indicates a substantial risk to the public should Parker receive an insurance producer license, as licensed producers must be worthy of trust and honest in their filling out and submission of insurance-related forms. Parker was convicted of a felony that were also is a crime of moral turpitude. Licensure of Parker would not be in the public interest, and, accordingly, the Director exercises his discretion to refuse to issue Parker an insurance producer license.

15. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license of Melinda S. Parker is hereby summarily **REFUSED**, without prejudice. Melinda S. Parker may reapply for a Missouri insurance producer license no sooner than June 2011.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 27th DAY OF MAY, 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 § 621.120, RSMo.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of May, 2009, a copy of the foregoing order and notice was served upon the Applicant in this matter by certified mail.

Karen Crutchfield
Karen Crutchfield
Senior Office Support Staff