State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:	)	
	)	
	)	**Case No. 10-0401417C**
Jason McMillen,	)	
	)	
Applicant.	)	
	)	
Serve at:	)	
1215 East 526th Road	)	
Morrisville, Missouri 65710	)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On April 7, 2010, 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 Jason McMillen. 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. Jason McMillen ("McMillen") is an individual residing in Missouri, whose mailing address of record is 1215 East 526th Road, Morrisville, Missouri 65710.

2. On January 27, 2010, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a Uniform Application for Individual Insurance Producer License ("Application") from McMillen.

3. In the section of the Application headed "Background Questions," Background Question # 1 asks "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?"

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

5. McMillen disclosed a 2009 felony stealing charge in the Circuit Court of Polk County, Missouri. McMillen pleaded guilty and was found guilty of felony stealing

on June 18, 2009. The Court suspended the imposition of sentence and ordered that McMillen complete 300 hours of community service and be placed on probation for three years. See *Missouri v. Jason McMillen*, Case No. 09PO-CR00207-01. McMillen is still on probation and is scheduled to complete his community service obligation by August 2010.

6. McMillen admitted that the felony stealing charge resulted from McMillen wrongfully taking approximately $4,997 from the account of the Cub Scout Pack 376 while serving as Cubmaster and Treasurer of Cub Scout Pack 376. McMillen admitted to using the funds to make mortgage payments on two troubled investment properties.

CONCLUSIONS OF LAW

7. Section 375.141.1, RSMo (Supp. 2009), provides, in part:

> 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:
>
> * * *
>
> (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

8. 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).

9. McMillen may be refused an insurance producer license pursuant to § 375.141.1(8), RSMo (Supp. 2009), because he used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere. McMillen's felony guilty plea resulted from his work in a position of trust, Cubmaster and Treasurer of the Cub Scout Pack 376. When McMillen's real estate prospects did not perform as expected, McMillen abused that position of trust and stole from the Pack account to make mortgage payments on the investment properties. Such conduct shows fraudulent, coercive, and dishonest practices and demonstrates incompetence, untrustworthiness and financial irresponsibility in the conduct of business.

10. Granting McMillen's insurance producer license would not be in the public interest.

11. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license application of Jason McMillen is hereby summarily **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 15th **DAY OF APRIL, 2010.**

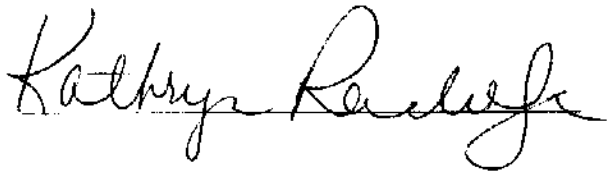
JOHN M. HUFF
DIRECTOR

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 19th day of April, 2010, a duplicate original of the foregoing Order and Notice was served upon the Applicant in this matter by certified mail No. 70041350000314135164.

Jason McMillen
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