State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:	)	
	)	
	)	**Case No. 10-0401418C**
Jack Holt Boucher,	)	
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
9801 Pennsylvania Avenue	)	
Kansas City, Missouri 64114	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On April 23, 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 Jack Holt Boucher. 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. Jack Holt Boucher ("Boucher") is an individual residing in Missouri, whose mailing address of record is 9801 Pennsylvania Avenue, Kansas City, Missouri 64114.

2. On December 24, 2009, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a Uniform Application for Individual Insurance Producer License ("Application") from Boucher.

3. In Application section 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? 'Crime' includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. 'Convicted' includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendre, or having been given probation, a suspended

sentence or a fine."

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

5. With his Application, Boucher disclosed a 2007 felony DUI conviction and a 2007 felony fleeing or eluding police conviction – both in Johnson County, Kansas. On December 13, 2009, Boucher was charged with felony driving under the influence of alcohol and feloniously fleeing or attempting to elude a police officer. Boucher was convicted and sentenced on July 25, 2007. After serving one year in jail, Boucher, completed probation on July 30, 2008. See *State of Kansas v. Jack Holt Boucher*, Case No. 06CR3533.

6. Boucher failed to disclose 1998 and 1999 misdemeanor battery convictions.

    a. Boucher was charged on August 29, 1998, with misdemeanor battery in Johnson County, Kansas. He was convicted and sentenced on October 8, 1998. Boucher was released from probation on March 28, 2000. See *State of Kansas v. Jack Holt Boucher*, Case No. 98DV0792.

    b. Boucher was charged on February 15, 1999, with misdemeanor battery in Johnson County, Kansas. He was convicted and sentenced on March 16, 1999. Boucher was released from probation on March 16, 2000. See *State of Kansas v. Jack Holt Boucher*, Case No. 99DV144.

7. In the section of the Application headed "Background Questions," Background Question # 2 asks "Have you . . . been involved in an administrative proceeding regarding any professional or occupational license or registration?"

8. Boucher answered "No" to Background Question # 2.

9. Boucher's response to Background Question # 2 was false in that Boucher failed to disclose that the Kansas Insurance Department had revoked his Kansas insurance producer license on March 3, 2003 ("Kansas Revocation"). See *In the Matter of the Kansas Resident Insurance Agent's License of Jack H. Boucher*, Docket No. 3124-SO.

CONCLUSIONS OF LAW

10. 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:
>
> (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;

* * *

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;

* * *

(6) Having been convicted of a felony or crime involving moral turpitude;

* * *

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

* * *

11. 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).

12. Boucher may be refused an insurance producer license pursuant to § 375.141.1(1), RSMo (Supp. 2009), because by failing to disclose two misdemeanor convictions and the Kansas Revocation on his Application, Boucher intentionally provided materially incorrect, misleading, incomplete or untrue information on his Application.

13. Boucher may be refused an insurance producer license pursuant to § 375.141.1(3), RSMo (Supp. 2009), because by failing to disclose two misdemeanor convictions and the Kansas Revocation on his Application, Boucher attempted to obtain a license through material misrepresentation or fraud.

14. Boucher may be refused an insurance producer license pursuant to § 375.141.1(6), RSMo (Supp. 2009), for having been convicted of two felonies in *State of Kansas v. Jack Holt Boucher*, Case No. 06CR3533.

15. Boucher may be refused an insurance producer license pursuant to § 375.141.1(9), RSMo (Supp. 2009), for having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory.

16. For all of the reasons given in this Petition, the Director should consider Boucher's history and all of the circumstances surrounding Boucher's Application for licensure and exercise his discretion in summarily refusing to grant Boucher's insurance producer license.

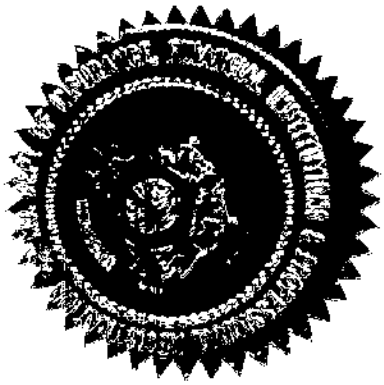
17. Granting Boucher's insurance producer license would not be in the public interest.

18. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license application of Jack Holt Boucher is hereby summarily **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 26th **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 27th 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. 70041350000314135096.

Jack Holt Boucher
9801 Pennsylvania Avenue
Kansas City, Missouri 64114

Kathryn Randolph