



## State of Missouri

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

In the Matter of:

Allen Jeffrey Vise,

Applicant.

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Case No. 131002547C

#### ORDER REFUSING TO ISSUE PUBLIC ADJUSTER LICENSE

On January 6, 2014, Mary S. Erickson, counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue a public adjuster license to Allen Jeffrey Vise. 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 order:

#### FINDINGS OF FACT

1. Allen Jeffrey Vise ("Vise")<sup>1</sup> is an individual residing in Texas.

#### 2012 Application

2. On or about April 13, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Vise's completed Uniform Application for Public Adjuster, Public Adjuster Solicitor, or Surplus Lines ("2012 Application") seeking a public adjuster license.

3. In Part III of the 2012 Application headed "Background Information," Background Question B asks: "Has any disciplinary action, including but not limited to, refusal, suspension, revocation, ever been taken by any regulatory agency in any state or province of Canada against you or any business with which you have been directly connected?"

4. Vise answered "No" to Background Question B.

5. On December 3, 1992, Vise entered into a Consent Order with the Treasurer of the State of Florida, Department of Insurance ("Florida DOI") whereby the Florida DOI issued Vise a license "as an emergency public adjuster" and Vise agreed to reimburse the Florida DOI \$1,000 "for the costs associated with the [DOI's] investigation." This Consent Order was based on a Settlement Stipulation for Consent Order executed by Vise on November 5, 1992, wherein the Florida DOI had "obtained information suggesting that [Vise] unlawfully engaged in the

<sup>1</sup> Allen Jeffrey Vise is or has been also known as, *inter alia*, Jeffrey Allen Vise, Jeffrey A. Vise, and A.J. Vise.

business as a public adjuster without licensure.” *In the Matter of Jeffrey A. Vise*, Case No. 92-L-573RES.

6. On December 9, 1997, the Florida DOI filed a Notice of Intent to Issue a Cease and Desist Order and Assess Penalties alleging that Vise “transacted insurance as a public adjuster in [Florida] ... without a license,” in violation of §§ 624.11, 626.112, 626.9521(1), and 626.9541(1)(k)1 Florida Statutes and Rule 4-220.051(3), Florida Administrative Code. *In the Matter of Jeffrey A. Vise*, Case No. 16736-96-A.

7. On April 17, 1998, the Florida DOI issued a Cease and Desist Order and Assess Penalties against Vise finding that Vise “misrepresented himself as a public adjuster and engaged in the business of public adjusting without a license” and “failed to pay administrative costs of \$1,000.00” in Case No. 92-L-573RES. The Florida DOI also assessed a monetary penalty of \$2,500.00 against Vise. *In the Matter of Jeffrey A. Vise*, Case No. 16736-96-A.

8. Vise failed to disclose both of the Florida DOI administrative actions taken against him in *In the Matter of Jeffrey A. Vise*, Case No. 92-L-573RES and *In the Matter of Jeffrey A. Vise*, Case No. 16736-96-A when he submitted his 2012 Application.

9. The Application’s Background Question C asks: “Have you ever been convicted of or pled nolo contendere (no contest) to any misdemeanor or felony, or currently have pending misdemeanor or felony charges filed against you? (Misdemeanor does not mean minor traffic violations.)”

10. Vise answered “No” to Background Question C.

11. On March 23, 1998, Vise entered a Nolo Contendere plea to the Class B Misdemeanor of DWI. The court entered judgment the same day and sentenced Vise to 180 days in the Harris County, Texas jail. It also required him to pay a \$100 fine and court costs. The court suspended Vise’s sentence and placed him on community supervision for one year. *State of Texas v. Allen Jeffrey Vise*, Harris Co. Crim. Ct., Case No. 975099801010.

12. On March 9 1993, Vise pled guilty to the Class A Misdemeanor of Unlawful Carrying of a Weapon. Vise paid a fine of \$1,700.00. *State of Texas v. Jeffrey A. Vise*, Harris Co. Crim. Ct., Case No. 924161601010.

13. On March 17, 1986, Vise pled guilty to Misdemeanor Shoplifting. The court ordered Vise to pay a fine and “attend a shoplifting school.” *City of Reno, v. Jeffrey Vise*, 2<sup>nd</sup> Judicial Dist., Washoe County, Nevada, Case No. C85-2123.

14. On March 9, 1977, Vise pled guilty to two counts of Attempted Commercial Burglary, a felony under § 40A-16-3B, NMSA 153, as amended, in magistrate court. As a result, the court deferred Vise’s sentence and placed him on six months of supervised probation. *State v. Jeff Vise*, 2<sup>nd</sup> Judicial Dist., New Mexico, Case No. 27764.

15. Part V of the 2012 Application, titled Applicant Signature, states as follows:

This applicant first being duly sworn upon his/her oath, states that the statements contained in the above and foregoing application are true to the best of his/her knowledge and belief.

16. Vice signed his name as the Applicant in Part V of the 2012 Application.

17. Vice failed to disclose the above-referenced criminal convictions or guilty pleas when he submitted his 2012 Application to the Department.

18. Vice admitted in a telephone conversation with Julie Hesser ("Hesser"), Special Investigator with the Consumer Affairs Division, that he did not disclose his criminal background and the regulatory actions on his Application.

19. Vice further admitted to Hesser that he removed pages from the certified documents obtained from the Florida DOI to avoid a lengthy licensing process.

20. Also in that conversation, Vice stated that he would lose the business he had lined up in Missouri if he had disclosed the information regarding his criminal and administrative background at the time of his Application.

21. In response to Hesser's request for certified copies of the documents relating to *In the Matter of Jeffrey A. Vice*, Case No. 16736-96-A, Vice only provided her with seven of the 38 total pages of documents available from the Florida DOI.

22. Even after a second written request from the Division, Vice still did not provide all available documentation relating to his criminal history and administrative actions taken against him. Hesser finally obtained all of the documents and information regarding both of the Florida administrative actions directly from the Florida DOI.

23. On December 5, 2012, the Director entered an Order refusing to issue a public adjuster license to Vice ("2012 Refusal") based on his violation of Florida insurance laws and a Cease and Desist Order entered by the Florida Department of Insurance, his failure to disclose his full criminal and administrative discipline history, and his conviction for shoplifting, a crime of moral turpitude, pursuant to §§ 325.035.1(2) RSMo 2000 and 375.141.1(2), (3), and (6), RSMo (Supp. 2011). Vice did not appeal the 2012 Refusal.

#### 2013 Application

24. On or about August 1, 2013, the Department received Vice's completed Uniform Application for Public Adjuster, Public Adjuster Solicitor, or Surplus Lines ("2013 Application") again seeking a public adjuster license.

25. Vice listed his residence address on the 2013 Application as 5005 Hidalgo #304, Houston, Texas 77056 and his mailing address as 1535 West Loop South #200, Houston, Texas 77027.

26. In Part III of the 2013 Application headed "Background Information," Background Information Question B asks: "Has any disciplinary action, including but not limited to, refusal, suspension, revocation, ever been taken by any regulatory agency in any state or province of Canada against you or any business with which you have been directly connected?" Vice answered "Yes" to Background Information Question B and provided copies of documents supporting his answer.

27. On October 29, 2012, the Louisiana Department of Insurance ("Louisiana DOI") sent Vice a Notice of Fine For Jeffrey Allen Vice, ordering him to pay a \$250.00 fine based on the following:

- a. Vice submitted an application for an insurance producer license to the Louisiana DOI in September 2012 indicating that he had "never received an administrative action;"
- b. However, the Louisiana DOI received information indicating that the state of Florida took an administrative action against him on April 17, 1998, which Vice failed to disclose to Louisiana on his application;<sup>2</sup>
- c. Therefore, the Louisiana Department of Insurance "determined that [Vice] provided incorrect, misleading, incomplete or materially false information on the license application submitted to [that] department."

28. On February 7, 2013, the Louisiana DOI sent Vice a letter informing him that it "received information indicating that [Vice's] license request was denied by the Missouri Department of Insurance for failure to make the required disclosure on a license application." The Louisiana DOI requested that Vice provide information regarding Missouri's action against him.

29. On May 7, 2013, the Louisiana DOI sent Vice a Notice of Fine, ordering him to pay a \$250.00 fine based on the following:

- a. The Louisiana DOI received information in December 2012 relative to Missouri's denial of Vice's license.
- b. The Louisiana DOI found that Vice was in violation of La. R.S. 22:1707 A, which requires public adjusters to "report to the commissioner of insurance any administrative action taken against the public adjuster in any jurisdiction or by another governmental agency within thirty days of the final disposition of the matter."

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<sup>2</sup> The Louisiana DOI only noted that Vice failed to disclose the 1998 Florida DOI administrative action on his 2012 Louisiana DOI application. It is unclear if the Louisiana DOI was aware of the earlier, 1992, Florida administrative action.

30. In his letter of explanation submitted as part of his 2013 Application to Missouri, Vice failed to explain why he did not report the 2012 Missouri Refusal to the Louisiana DOI as required by La. R.S. 22:1707 A.

31. Vice failed to disclose on his 2013 Application the Refusal to Issue Public Adjuster License Order issued by the Director of this Department, dated December 5, 2012. Although Vice provided documentation regarding the Florida and Louisiana administrative actions, he failed to provide a copy of or otherwise disclose his prior 2012 Missouri Refusal.

32. In Part III of the 2013 Application headed "Background Information," Background Information Question C asks: "Have you ever been convicted of or pled nolo contendere (No Contest) to any misdemeanor or felony, or currently have pending misdemeanor or felony charges filed against you? (Misdemeanor does not mean minor traffic violations.)" Vice answered "Yes" to Background Information Question C.

33. Vice disclosed his complete criminal history in response to Background Information Question C of the 2013 Application.

#### CONCLUSIONS OF LAW

34. Section 325.030 RSMo 2000 provides, in relevant part:

1. The director shall issue the proper license when the requirements of sections 325.010 to 325.055 have been met, and a person receiving the license shall thereafter be known and styled a "licensed public adjuster", or "licensed public adjuster solicitor", as the case may be.

35. Section 325.035 RSMo 2000 provides, in relevant part:

1. Whenever the director shall be satisfied that an applicant for a license does not have the necessary qualifications to engage in the public adjustment business, or when he shall be satisfied that a holder of such license has engaged in false, fraudulent or misleading business practices, the director may refuse to issue the license or may revoke or suspend the license. Such refusal, revocation or suspension shall be accomplished pursuant to the provisions of chapter 621 and shall be based on one or more of the following grounds:

\* \* \*

(2) Any ground under subdivisions (2) to (12) of subsection 1 of section 375.141.

36. Section 375.141 RSMo (Supp. 2013), provides, in relevant 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;

(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[.]

37. Just as the principal purpose of § 375.141, the insurance producer disciplinary statute, 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), the purpose of § 325.035 is not to punish applicants for a public adjuster license, but to protect the public.

**CAUSE FOR ORDER REFUSING TO ISSUE  
PUBLIC ADJUSTER LICENSE**

38. The Director may refuse to issue a public adjuster license to Vise pursuant to § 375.141.1(2), as incorporated by § 325.035.1(2), because the Florida DOI entered into a Consent Order with Vise on December 3, 1992 after finding that Vise “engaged in business as a public adjuster without licensure,” thereby violating Florida’s insurance laws, namely, §§ 624.11, 626.112, 626.9521(1), and 626.9541(1)(k)1 Florida Statutes and Rule 4-220.051(3), Florida Administrative Code.

39. The Director may refuse to issue a public adjuster license to Vise pursuant to § 375.141.1(2), as incorporated by § 325.035.1(2), because the Florida DOI issued a Cease and Desist Order and Assess Penalties on April 17, 1998 against Vise finding that Vise “misrepresented himself as a public adjuster and engaged in the business of public adjusting without a license” and “failed to pay administrative costs of \$1,000.00,” which are each grounds for refusal pursuant to § 375.141.1(2) for violating another state’s insurance laws.

40. Each violation of the insurance laws of Florida is a separate and sufficient cause to refuse to issue Vise a license.

41. The Director may refuse to issue a public adjuster license to Vise pursuant to § 375.141.1(3), as incorporated by § 325.035.1(2), because Vise attempted to obtain a public adjuster license through material misrepresentation or fraud by failing to fully disclose the two

separate administrative actions taken against him by the Florida DOI in 1992 and 1998 when he submitted his 2012 Application to the Department and signed the Application attesting that the information provided in the Application was "true to the best of his knowledge and belief." Only after repeated attempts by the Division's Investigator did Vise give any information to the Division. When he did provide documentation to the Special Investigator Hesser, Vise still only provided a portion of the requested documents. Vise admitted that he purposefully removed pages from the Florida DOI certified records because he had business "lined up" in Missouri that he did not want to lose if his license was not immediately granted.

42. Vise's failure to disclose each Florida administrative action on his 2012 Application is a separate and sufficient cause to refuse to issue a public adjuster license to Vise pursuant to § 375.141.1(3), as incorporated by § 325.035.1(2).

43. The Director may refuse to issue a public adjuster license to Vise pursuant to § 375.141.1(3), as incorporated by § 325.035.1(2), because Vise attempted to obtain a public adjuster license through material misrepresentation or fraud by intentionally failing to fully disclose his criminal history when he submitted his 2012 Application to the Department.

44. Vise's failure to disclose each criminal action against him on his 2012 Application is a separate and sufficient cause to refuse to issue a public adjuster license to Vise pursuant to § 375.141.1(3), as incorporated by § 325.035.1(2).

45. The Director may refuse to issue a public adjuster license to Vise pursuant to § 375.141.1(6), as incorporated by § 325.035.1(2), because Vise was convicted of a crime of moral turpitude, namely shoplifting, which is a ground for refusal pursuant to § 375.141.1(6).

46. The Director may refuse to issue a public adjuster license to Vise pursuant to § 375.141.1(2), as incorporated by § 325.035.1(2), for violating the insurance laws of another state, namely, the Louisiana DOI, by:

- a. Providing incorrect, misleading, incomplete, or materially false information, or omitted of material information on his Louisiana insurance producer application by failing to disclose the Florida administrative action. *Notice of Fine for Jeffrey Allen Vise*, October 29, 2012;
- b. Violating La. R.S. 22:1707(A) for failing to report the Missouri 2012 Refusal to the Louisiana DOI. *Notice of Fine*, May 7, 2013.

47. Each violation of the insurance laws of Louisiana is a separate and sufficient cause to refuse to issue Vise a license.

48. In 2012, Vise not only made material misrepresentations to the Director, he admitted he had lied to this Department to make sure he obtained a license quickly so he could make money in Missouri. Similarly, when he finally acknowledged his Florida administrative history to Special Investigator Hesser, Vise purposely submitted altered certified Florida DOI records to minimize the appearance of the severity of the Florida DOI actions in order to improve his chances that he would be issued a license.

49. Vise also failed to report the Florida administrative action(s) on his Louisiana licensure application and then, after Louisiana granted him a license, he failed to report to Louisiana the Missouri 2012 Refusal. Vise even failed to report the Missouri 2012 Refusal on his 2013 Application to Missouri.

50. Vise habitually makes material misrepresentations to insurance regulators or fails to report or disclose information to the regulators as required by law. Vice's actions demonstrate disregard for the authority of the Director of this Department as well as the Commissioner of the Louisiana Department of Insurance. This disregard is also exhibited by the fact that Florida twice found that Vice engaged in business as a public adjuster without being licensed.

51. The Director has considered Vise's history and all of the circumstances surrounding his Application. As such, granting Vise a public adjuster solicitor license would not be in the interest of the public. For all of the reasons stated in this Order, the Director exercises his discretion by refusing to issue Vise a public adjuster license.

52. This order is in the public interest.

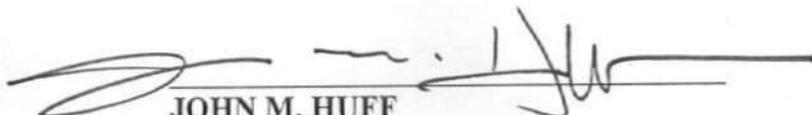
**ORDER**

**IT IS THEREFORE ORDERED** that the application for a public adjuster license of ALLEN JEFFREY VISE is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 7<sup>th</sup> DAY OF JANUARY, 2014.



  
JOHN M. HUFF  
DIRECTOR

NOTICE

**TO: Applicant and any unnamed persons aggrieved by this Order:**

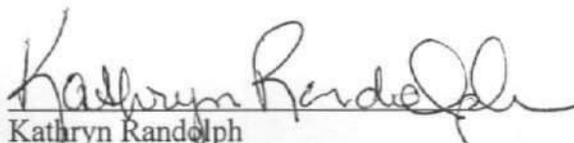
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri within (30) days after the mailing of this notice pursuant to § 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your 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 7th day of January, 2014, a copy of the foregoing notice and order was served upon Allen Jeffrey Vise in this matter by certified mail, through UPS with signature required, electronic tracking, at the following addresses:

Allen Jeffrey Vise                      Tracking No. 1Z0R15W84296263907  
5005 Hidalgo  
# 304  
Houston, TX 77056

Allen Jeffrey Vise                      Tracking No. 1Z0R15W84296867514  
1535 West Loop South  
# 200  
Houston, TX 77027



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