State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:	)	
	)	Case No. 11-0607538C
Jeramy T. Box,	)	
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
3604 N. Osage St.	)	
Independence, Missouri 64050	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On July 19, 2011, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue Jeramy T. Box's insurance producer license. 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. Jeramy T. Box ("Box") is an individual residing in Missouri. His mailing and residential address is 3604 N. Osage St., Independence, Missouri 64050.

2. On March 21, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a Uniform Application for Individual Insurance Producer License ("Application") from Box.[1]

3. On the Application, in the section titled "Background Questions," Background Question # 1 asks, "Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?"

[1] The spelling on Box's Application indicated that his first name is "Jeremy." However, his signature and court documents indicate that it is "Jeramy."

4. Box answered "Yes" to Background Question # 1, and disclosed the following convictions:

   a. On March 22, 2010, Box pled guilty to Possession of a Controlled Substance with Intent to Distribute, a class B felony. The Greene County Circuit Court sentenced Box to six years' incarceration. The court suspended execution of the sentence and sentenced Box to five years' probation. The probable cause statement states that Box was found to be in possession of nine individually packed baggies of marijuana. *See State v. Jeramy T. Box*, Circuit Court of Greene County, Case No. 31307CF10612-01.

   b. On March 22, 2010, Box entered an Alford Plea to Tampering in the First Degree, a class C felony. The Greene County Circuit Court sentenced Box to six years' incarceration. The court suspended execution of the sentence and sentenced Box to five years' probation. The probable cause statement states that Box was found to be in possession of a stolen motorcycle. *See State v. Jeramy T. Box*, Circuit Court of Greene County, Case No. 31307CF4464-01.

5. Special Investigator Keith Hendrickson ("Hendrickson") discovered that Box failed to disclose on his Application that on December 9, 2005, Box entered a guilty plea to Resisting an Arrest, a class A misdemeanor. The Greene County Circuit Court sentenced Box to 180 days' incarceration and a $200 fine. The court suspended execution of the jail sentence and placed Box on probation for two years. *See State v. Jeramy T. Box*, Circuit Court of Greene County, Case No. 305CM9777.

CONCLUSIONS OF LAW

6. Section 375.141 RSMo (Supp. 2010),[2] 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;

   * * *

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

[2] All statutory references are to the Revised Statutes of Missouri (Supp. 2010) unless otherwise noted.

* * *

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

7. The principal purpose of § 375.141 is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. 1984).

8. Box may be refused an insurance producer license pursuant to § 375.141.1(1), because by failing to disclose his full criminal record, Box intentionally provided materially incorrect, misleading, incomplete and untrue information on his Application. *See State v. Jeramy T. Box*, Circuit Court of Greene County, Case No. 305CM9777.

9. Box may be refused an insurance producer license pursuant to § 375.141.1(3), because Box's full criminal history was material to his Application, and by failing to disclose it he attempted to obtain a license through material misrepresentation or fraud. *See State v. Jeramy T. Box*, Circuit Court of Greene County, Case No. 305CM9777.

10. Box may be refused an insurance producer license pursuant to § 375.141.1(6), because he was convicted of two felonies. *See State v. Jeramy T. Box*, Circuit Court of Greene County, Case No. 31307CF10612-01, *State v. Jeramy T. Box*, Circuit Court of Greene County, Case No. 31307CF4464-01. Box may also be refused an insurance producer license pursuant to § 375.141.1(6) because he was convicted of Possession of a Controlled Substance with Intent to Distribute, Tampering in the First Degree, and Resisting an Arrest, all of which are crimes of moral turpitude. *See Michael v. Missouri Real Estate Comm'n*, No. 08-1585 RE (Mo. Admin. Hrg. Comm'n December 17, 2009), *Kelly v. Board of Therapeutic Massage*, No. 05-0446 TM (Mo. Admin. Hrg. Comm'n December 07, 2005), *Director of Dept. of Public Safety v. Keith*, No. 00-0934 PO (Mo. Admin. Hrg. Comm'n December 20, 2001).

11. The Director has considered Box's history and all of the circumstances surrounding Box's Application for licensure and exercises his discretion in summarily refusing to issue Box's insurance producer license.

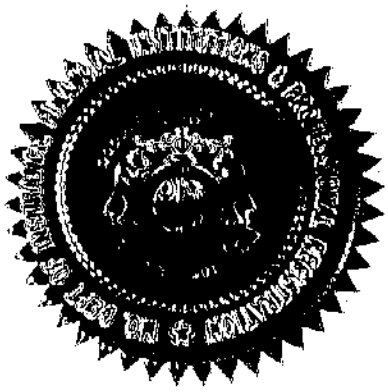
12. Granting Box's insurance producer license would not be in the public interest.

13. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license of Jeramy T. Box is hereby summarily REFUSED.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 1ST DAY OF AUGUST, 2011.



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 2nd day of August, 2011, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by U.S. regular mail and certified mail No. 7009 3410 0001 9349 2815.

Jeramy T. Box
3604 N. Osage St.
Independence, Missouri 64050

Kathryn Randolph

Kathryn Randolph