State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:	)	**Case No. 100916600C**
	)	
Scott R. Carver,	)	
	)	
Applicant.	)	
Serve at:	)	
	)	
879 S. Summit Dr., Lot 50	)	
Holts Summit, Missouri 65043	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On April 27, 2011, counsel for the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue Scott R. Carver'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. Scott R. Carver ("Carver") is an individual residing in Missouri, whose mailing address of record is 879 S. Summit Dr., Lot 50, Holts Summit, Missouri 65043.

2. On February 16, 2010, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a resident insurance producer application ("Application") from Carver.

3. In the "Background Questions" section of the Application, 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?"

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

5. Along with his Application, Carver submitted a letter to explain his answer to Background Question #1 in which he revealed that he had been charged with passing bad checks in 1994, 1995, and 2007.

6. Carver's letter stated:

> In 1994 I was charged with passing bad checks case number 19cro3940039 class D felony. I was sentenced to 5 yrs probation and

community service in which I completed in 8/14/2000. In 3/28/1995 I was charged with passing a bad check case number 260894000243F Misdemeanor. I was confined for 30 days and paid a fine. In 4/24/2007 I was charged with passing bad check case number 05c9cr02443 misdemeanor. I was sentenced to 2 yrs probation and completed in 4/24/02009.

7. Carver failed to disclose on his Application further criminal matters including three bad check convictions and a conviction for failing to return rental property.

    a. Carver failed to disclose to the Department that he pleaded guilty to passing a bad check on July 5, 1994, an A misdemeanor pursuant to § 570.120 RSMo (Supp. 1993). Carver was sentenced to 30 days in county jail and two years unsupervised probation. *State v. Scott R. Carver*, Case No. 18R069400077.

    b. Carver failed to disclose to the Department that he pleaded guilty to passing a bad check on August 5, 1994, an A misdemeanor pursuant to § 570.120 RSMo (Supp. 1993). Carver was sentenced to 30 days in county jail and two years supervised probation. *State v. Scott R. Carver*, Case No. 13R069400089.

    c. Carver failed to disclose to the Department that he pleaded guilty to passing a bad check on March 30, 2007, an A misdemeanor pursuant to § 570.120 RSMo (Supp. 2004). Carver was ordered to pay a fine. *State v. Scott R. Carver*, Case No. 05CW-CR01217.

    d. Carver failed to disclose to the Department that he pleaded guilty to failing to return rental property on October 3, 1997, an A misdemeanor pursuant to § 578.150 RSMo (Supp. 1993). Carver was sentenced to five days in county jail. *State v. Scott R. Carver*, Case No. 13R069701121.

8. On March 25, 2010, Consumer Affairs Division Investigator Carrie Couch mailed a letter to Carver at his mailing address of record by first class mail with sufficient postage, requesting more information about his criminal history. The letter was not returned to the Department as undeliverable. Carver did not respond to the March 25, 2010 letter and did not contact the Department in any way to provide a reasonable justification for a delayed response.

9. On April 16, 2010, Investigator Couch mailed a second letter to Carver at his mailing address of record by first class mail with sufficient postage, requesting more information about his criminal history. The letter was not returned to the Department as undeliverable. Carver did not respond in writing to the request, but he did telephone the Department on May 6, 2010 and again on June 1, 2010. Carver explained that he had had brain surgery and was still recovering.

CONCLUSIONS OF LAW

10. Section 375.141.1 RSMo (Supp. 2010),[1] 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:
>
> * * *
>
> (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[.]

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. 1984).

12. The Director may refuse to issue Carver an insurance producer license pursuant to § 375.141.1(6) for having been convicted of a felony which is also a crime of moral turpitude. *State v. Scott Carver*, Case No. 19CR03940039; *Halinski v. Missouri St. Bd. of Podiatric Medicine*, No. 06-1611 CP (Mo. Admin. Hrg. Comm'n September 18, 2007).

13. The Director may refuse to issue Carver an insurance producer license pursuant to § 375.141.1(6) for having been convicted of crimes of moral turpitude by passing bad checks. *State v. Scott R. Carver*, Case No. 18R069400077; *State v. Scott R. Carver*, Case No. 13R069400089; *State v. Scott R. Carver*, Case No. 05CW-CR01217, and *Halinski v. Missouri St. Bd. of Podiatric Medicine*, No. 06-1611 CP (Mo. Admin. Hrg. Comm'n September 18, 2007).

14. The Director may refuse to issue Carver an insurance producer license pursuant to § 375.141.1(1) because by failing to disclose three misdemeanor bad check convictions

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

and a misdemeanor failure to return rental property conviction, Carver intentionally provided materially incorrect, misleading, incomplete or untrue information in the license application. *State v. Scott R. Carver*, Case No. 18R069400077; *State v. Scott R. Carver*, Case No. 13R069400089; *State v. Scott R. Carver*, Case No. 05CW-CR01217, and *State v. Scott R. Carver*, Case No. 13R069701121.

15. The Director may refuse to issue Carver an insurance producer license pursuant to § 375.141.1(3) because by failing to disclose three misdemeanor bad check convictions and a misdemeanor failure to return rental property conviction, Carver attempted to obtain a license through material misrepresentation or fraud. *State v. Scott R. Carver*, Case No. 18R069400077; *State v. Scott R. Carver*, Case No. 13R069400089; *State v. Scott R. Carver*, Case No. 05CW-CR01217, and *State v. Scott R. Carver*, Case No. 13R069701121.

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

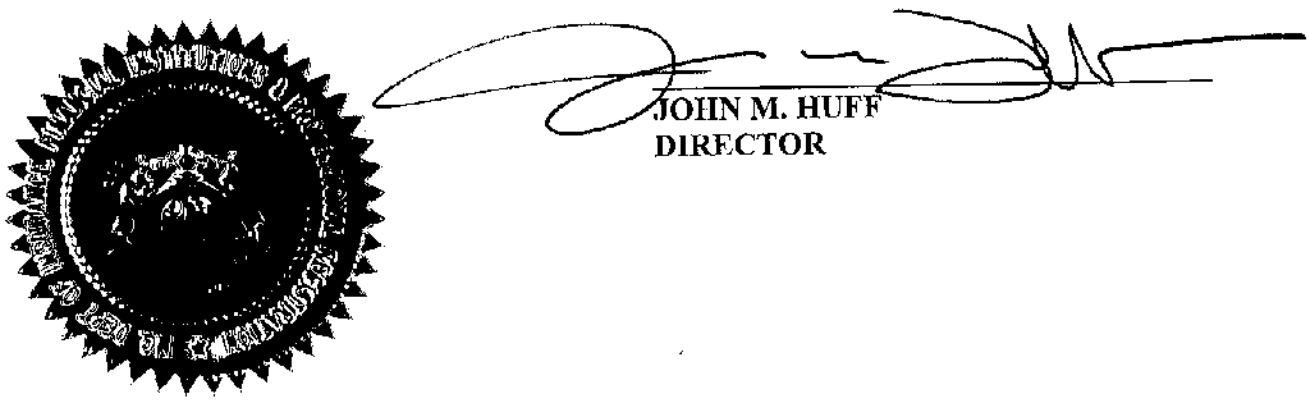
17. Granting Carver's insurance producer license would not be in the public interest.

18. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license of **Scott R. Carver** is hereby summarily **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 29th **DAY OF** April, **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 3rd day of May, 2011, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by certified mail No. 70070710000220552220.

Scott R. Carver
879 S. Summit Dr., Lot 50
Holts Summit, Missouri 65043.

Kathryn Randolph

Kathryn Randolph