



State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

IN RE:)
)
DERRICK S. PAGE,) **Case No. 141110734C**
)
Applicant.)

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On January 6, 2015, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Derrick S. Page. 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. Derrick S. Page (“Page”), is a Missouri resident with a residential and mailing address address of 211 Hannah Drive, Rogersville, Missouri 65742.
2. The Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Page’s electronic Application for an individual resident insurance producer license (“Application”) on June 2, 2014.
3. The “Attestation” section of the Application, states, in relevant part:
 1. I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
4. Page accepted the “Attestation” section.
5. Background Question No. 1A of the Application asks the following:

Have you ever been convicted of a misdemeanor, had a judgment withheld or

deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).

6. Background Question No. 1B of the Application asks the following:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).

7. Page marked "Yes" to Background Question Nos. 1A and 1B and provided a letter and copies of court documents related to the following convictions with his Application:

- a. On October 20, 1995, Page pled guilty to Tampering with Motor Vehicle, Airplane, Motor Boat, Etc. – 1st Degree, a Class C Felony, in violation of § 569.080 RSMo.¹ The court sentenced Page to seven (7) years' incarceration, but suspended the execution of sentence, placed Page on supervised probation for five (5) years, and ordered Page to serve sixty (60) days shock incarceration. On February 5, 1998, Page's probation was revoked and his original sentence was executed. *State v. Derrick S. Page*, St. Louis Co. Cir. Ct., Case No. 2194R-00218-01.
- b. On October 20, 1995, Page pled guilty to Tampering with Motor Vehicle, Airplane, Motor Boat, Etc. – 1st Degree, a Class C Felony, in violation of § 569.080. The court sentenced Page to seven (7) years' incarceration, but suspended the execution of sentence, placed Page on supervised probation for five (5) years, and ordered Page to serve sixty (60) days shock incarceration concurrent with the sentence ordered in case number 2194R-00218-01. On February 5, 1998, Page's probation was revoked and his original sentence was executed. *State v. Derrick S. Page*, St. Louis Co. Cir. Ct., Case No. 2194R-01394-01.
- c. On October 20, 1995, Page pled guilty to Receiving Stolen Property, a Class A Misdemeanor, in violation of § 570.080. The court sentenced Page to one (1) year's incarceration, but suspended the execution of sentence, and placed Page on unsupervised probation for two (2) years. *Id.*

¹ All references to criminal statutes are to those contained in the version of the Revised Statutes of Missouri under which the court rendered judgment.

- d. On February 5, 1998, Page pled guilty to Stealing a Motor Vehicle, a Class C Felony, in violation of § 570.030. The court sentenced Page to six (6) years' incarceration to be served consecutive to the sentences ordered in case numbers 2194R-00218-01 and 2194R-01394-01 and ordered him to complete a 120 day treatment program. *State v. Derrick S. Page*, St. Louis Co. Cir. Ct., Case No. 2196R-07099-01.
8. On June 6, 2014, Special Investigator Kelley Dawley, with the Consumer Affairs Division ("Division"), sent a letter to Page informing Page that the Division discovered pending charges that Page failed to disclose on his Application and requested a written statement explaining the circumstances of the charges.
9. On June 24, 2014 and June 25, 2014, Page provided a letter addressed to Special Investigator Kelley Dawley, a copy of the Felony Information filed in Case No. 13WE-CR00614, and various additional documents. Page's letter stated verbatim, in relevant part:

I do apologize that I did not forward information about my pending charges to my regret I over read question 1 B and assumed they only needed felony convictions. Being that we do live in the country that one is innocent until proven guilty and as you can see Kelley I have not been convicted of these charges as of date I pray that you will see my innocence and grant me this opportunity I have been working toward.
10. The Felony Information that Page provided, in addition to documents obtained by the Division, reveal the following pending felony charges:
 - a. On September 4, 2013, the Webster County Assistant Prosecuting Attorney filed a Felony Information that charged Page with Assault – 2nd Degree, a Class C Felony, in violation of § 565.060, Armed Criminal Action, an Unclassified Felony, in violation of § 571.015, Unlawful Possession of a Firearm, a Class C Felony, in violation of § 571.070, and Unlawful Use of a Weapon, a Class D Felony, in violation of § 571.030. A jury trial is scheduled in this matter for April 22, 2015. *State v. Derrick Shonell Page Jr.*, Webster Co. Cir. Ct., Case No. 13WE-CR00614-01.
11. During its investigation, the Division further discovered the following convictions that Page failed to disclose:
 - a. On August 21, 1995, Page pled guilty to Resisting/Interfering With Arrest, Detention or Stop, a Class A Misdemeanor, in violation of § 575.150. The court sentenced Page to ninety (90) days' incarceration, but suspended the execution of sentence, and placed Page on supervised probation for one (1)

year. On December 21, 1995, Page's probation was revoked and his original sentence was executed, with said sentence served in a medium security institution and served concurrent with the sentences ordered in case numbers 22949-03073 and 22949-04404. *State v. Derrick Page*, St. Louis City Cir. Ct., Case No. 22959-03753.

- b. On August 21, 1995, Page pled guilty to Making a False Declaration, a Class B Misdemeanor, in violation of § 575.060. The court sentenced Page to ninety (90) days' incarceration, but suspended the execution of sentence, and placed Page on supervised probation for one (1) year. On December 21, 1995, Page's probation was revoked and his original sentence was executed, with said sentence served in a medium security institution and served concurrent with the sentences ordered in case numbers 22949-03073 and 22949-04404. *Id.*
- c. On August 21, 1995, Page pled guilty to Assault – 3rd Degree, a Class A Misdemeanor, in violation of § 565.070. The court sentenced Page to ninety (90) days' incarceration, but suspended the execution of sentence, and placed Page on supervised probation for one (1) year. On December 21, 1995, Page's probation was revoked and his original sentence was executed, with said sentence served in a medium security institution and served concurrent with the sentences ordered in case numbers 22959-03753 and 22949-04404. *State v. Derrick S. Page*, St. Louis City Cir. Ct., Case No. 22949-03073.
- d. On August 21, 1995, Page pled guilty to Assault – 3rd Degree, a Class A Misdemeanor, in violation of § 565.070. The court sentenced Page to ninety (90) days' incarceration, but suspended the execution of sentence, and placed Page on supervised probation for one (1) year. On December 21, 1995, Page's probation was revoked and his original sentence was executed, with said sentence served in a medium security institution and served concurrent with the sentences ordered in case numbers 22959-03753 and 22949-04404. *Id.*
- e. On August 21, 1995, Page pled guilty to Possession of up to 35 Grams Marijuana, a Class A Misdemeanor, in violation of § 195.202. The court sentenced Page to ninety (90) days' incarceration, but suspended the execution of sentence, and placed Page on supervised probation for one (1) year. On December 21, 1995, Page's probation was revoked and his original sentence was executed, with said sentence served in a medium security institution and served concurrent with the sentences ordered in case numbers 22949-03073 and 22959-03753. *State v. Derrick Page*, St. Louis City Cir. Ct., Case No. 22949-04404.

CONCLUSIONS OF LAW

12. Section 375.141 RSMo (Supp. 2014)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;

* * *

(6) Having been convicted of a felony or crime involving moral turpitude[.]

13. 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. E.D. 1984).

14. Page may be refused an individual resident insurance producer license pursuant to § 375.141.1(1) because he intentionally provided incomplete information in the license application when he failed to disclose that he is currently charged with committing four (4) felonies in response to Background Question No. 1B, to wit:

- a. Assault – 2nd Degree, a Class C Felony;
- b. Armed Criminal Action, an Unclassified Felony;
- c. Unlawful Possession of a Firearm, a Class C Felony; and
- d. Unlawful Use of a Weapon, a Class D Felony.

State v. Derrick Shonell Page Jr., Webster Co. Cir. Ct., Case No. 13WE-CR00614-01.

² All statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2014 Supplement unless otherwise noted.

15. Page may be refused an individual resident insurance producer license pursuant to § 375.141.1(1) because he intentionally provided incomplete information in the license application when he failed to disclose five (5) misdemeanor convictions in response to Background Question No. 1A, to wit:
 - a. Resisting/Interfering With Arrest, Detention or Stop, a Class A Misdemeanor. *State v. Derrick Page*, St. Louis City Cir. Ct., Case No. 22959-03753.
 - b. Making a False Declaration, a Class B Misdemeanor. *Id.*
 - c. Assault – 3rd Degree, a Class A Misdemeanor. *State v. Derrick S. Page*, St. Louis City Cir. Ct., Case No. 22949-03073.
 - d. Assault – 3rd Degree, a Class A Misdemeanor. *Id.*
 - e. Possession of up to 35 Grams Marijuana, a Class A Misdemeanor. *State v. Derrick Page*, St. Louis City Cir. Ct., Case No. 22949-04404.
16. Each failure to disclose is a separate and sufficient cause for refusal pursuant to § 375.141.1(1).
17. Page may be refused an individual resident insurance producer license pursuant to § 375.141.1(3) because he attempted to obtain a license through material misrepresentation or fraud when he failed to disclose that he is currently charged with committing four (4) felonies in response to Background Question No. 1B, to wit:
 - a. Assault – 2nd Degree, a Class C Felony;
 - b. Armed Criminal Action, an Unclassified Felony;
 - c. Unlawful Possession of a Firearm, a Class C Felony; and
 - d. Unlawful Use of a Weapon, a Class D Felony.

State v. Derrick Shonell Page Jr., Webster Co. Cir. Ct., Case No. 13WE-CR00614-01.
18. Page may be refused an individual resident insurance producer license pursuant to § 375.141.1(3) because he attempted to obtain a license through material misrepresentation or fraud when he failed to disclose five (5) misdemeanor convictions in response to Background Question No. 1A, to wit:
 - a. Resisting/Interfering With Arrest, Detention or Stop, a Class A Misdemeanor. *State v. Derrick Page*, St. Louis City Cir. Ct., Case No. 22959-03753.

- b. Making a False Declaration, a Class B Misdemeanor. *Id.*
 - c. Assault – 3rd Degree, a Class A Misdemeanor. *State v. Derrick S. Page*, St. Louis City Cir. Ct., Case No. 22949-03073.
 - d. Assault – 3rd Degree, a Class A Misdemeanor. *Id.*
 - e. Possession of up to 35 Grams Marijuana, a Class A Misdemeanor. *State v. Derrick Page*, St. Louis City Cir. Ct., Case No. 22949-04404.
19. Each attempt to obtain a license through material misrepresentation or fraud is a separate and sufficient cause for refusal pursuant to § 375.141.1(3).
20. Page may be refused an individual resident insurance producer license pursuant to § 375.141.1(6) because he has been convicted of three (3) felonies:
- a. Tampering with Motor Vehicle, Airplane, Motor Boat, Etc. – 1st Degree, a Class C Felony. *State v. Derrick S. Page*, St. Louis Co. Cir. Ct., Case No. 2194R-00218-01.
 - b. Tampering with Motor Vehicle, Airplane, Motor Boat, Etc. – 1st Degree, a Class C Felony. *State v. Derrick S. Page*, St. Louis Co. Cir. Ct., Case No. 2194R-01394-01.
 - c. Stealing a Motor Vehicle, a Class C Felony. *State v. Derrick S. Page*, St. Louis Co. Cir. Ct., Case No. 2196R-07099-01.
21. Each felony conviction is a separate and sufficient cause for refusal pursuant to § 375.141.1(6).
22. Page may be refused an individual resident insurance producer license pursuant to § 375.141.1(6) because he has been convicted of two (2) crimes of moral turpitude:
- a. Receiving Stolen Property, a Class A Misdemeanor. *State v. Derrick S. Page*, St. Louis Co. Cir. Ct., Case No. 2194R-01394-01.
 - b. Stealing a Motor Vehicle, a Class C Felony. *State v. Derrick S. Page*, St. Louis Co. Cir. Ct., Case No. 2196R-07099-01.
23. Each conviction of a crime of moral turpitude is a separate and sufficient cause for refusal pursuant to § 375.141.1(6).

24. The Director has considered Page's history and all of the circumstances surrounding Page's Application. Granting Page an individual resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to issue an individual resident insurance producer license to Page.
25. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that Derrick S. Page's application for an individual resident insurance producer license is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 7th DAY OF JANUARY, 2015.


JOHN M. HUFF
DIRECTOR



NOTICE

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

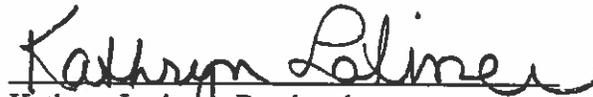
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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, 2015 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Derrick S. Page
211 Hannah Drive
Rogersville, Missouri 65742

Tracking No. 1Z0R15W84296725275



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