State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
ERIC PAUL COZART,	)	**Case No. 160617318C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On September 16, 2016, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse to issue an insurance producer license to Eric Paul Cozart. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Eric Paul Cozart ("Cozart") is a Missouri resident with a business, residential, and mailing address of record of 151 Marble Crossing Drive, Wentzville, Missouri, 63385.

2. On February 22, 2016, Cozart submitted his electronic application for an individual insurance producer license ("Application") to the Department of Insurance, Financial Institutions and Professional Registration ("Department").

3. Background Question No. 1B of the Application asked 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)[.]

4. Cozart answered "yes" in response to Background Question No. 1B of the Application.

5. Cozart submitted a letter explaining his response to Background Question No. 1B, which states, in part:

> In the year 2003 I Graduated high school and left for basic training right away for the Army National Guard. During my stay at Fort

Benning Georgia I learned alot of things about life. During Christmas leave I couldnt tell you what drove me to do what I did. On December 27th I was caught with a small amount of cocaine and was arrested and charged. This, in all honesty, was the beginning of a very tough and long road. I did get to graduate from basic training and enjoy my time for a short while. I went to court march 11th 2004 and received 2 years probation and fines.

5 months after that I was drinking and hanging out with them same friends. My friend had just recently quit his job at a Casey's General Store in Tilden, Illinois. He still had the keys to the front door of the store. Once we ran out of alcohol we thought it would be a good idea to use the keys and go get more. I went in and grabbed a couple cases of Bud light and exited the store. The loud alarm then went off and we ran. The next day two of my friends who were there told them of my name. I was taken in for questioning and arrested charged with burgalry for stealing beer, And sentenced to 5 years. But you will see I was recommended a program called Impact Incarceration which I completed in 4 months and released. The hardest thing about writing this is knowing how it really effected my mom. I was not raised that way. Four years after her passing away Im writing this letter from a chair in my brothers basement trying to tell a stranger I never met or seen before that I really am not that guy. Im not asking for your sympathy, all I ask is an opportunity of a life time come true so I can one day provide my children with the life I never had. Thank you again for taking the time to read this and hope you find it in your best Judgment to give me a second chance at life.

6. Cozart also submitted court documents disclosing the following criminal history:

   a. On March 11, 2004, Cozart was found guilty of Unlawful Possession of Controlled Substance, a Class 4 Felony in violation of 720 ILCS 570/402(c). [1] *State of Illinois v. Eric P. Cozart*, 20th Jud. Cir. Ct. (Randolph Co.), Illinois, Case No. 2003-CF-221. The court sentenced Cozart to pay a fine of $1,000.00 and placed Cozart on two years' probation. *Id.*

   b. On September 3, 2004, Cozart was found guilty of Burglary, a Class 2 Felony in violation of 720 ILCS 5/19. *State of Illinois v. Eric P. Cozart,* 20th Jud. Cir. Ct. (Randolph Co.), Illinois, Case No. 2004-CF-191. The court sentenced Cozart to five years' incarceration. *Id.*

7. After reviewing Cozart's Application and attachments, Special Investigator Karen Crutchfield ("Crutchfield") with the Consumer Affairs Division ("Division") sent

[1] All references to criminal statutes are to those contained in the version of the Illinois Compiled Statutes under which the court rendered judgment.

Cozart an inquiry letter on February 29, 2016. The February 29, 2016 inquiry requested that Cozart provide certified copies of court documents relating to his two felony cases and a statement regarding any time Cozart served in prison or jail. The inquiry cited 20 CSR 100-4.100(2)(A) and informed Cozart that failure to respond could be a violation of the law.

8. The Department received Cozart's response on March 14, 2016. Cozart provided certified court documents relating to his two felony convictions and explained that he served approximately eight (8) months of his five (5) year sentence in "impact incarceration," and that after two (2) years' parole, he completed his sentence.

9. On March 15, 2016, Crutchfield sent Cozart an inquiry letter requesting that Cozart complete an Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. § 1033 ("1033 Application"). The inquiry cited 20 CSR 100-4.100(2)(A) and informed Cozart that failure to respond could be a violation of the law.

10. On April 6, 2016, the Department received Cozart's incomplete 1033 Application.

11. Cozart's 1033 Application was incomplete in that it was missing the final two sections: "Section VIII – Attachments," and "Section IX: Applicant's Sworn Verification and Authorization for Release of Information."

12. On April 6, 2016, Crutchfield sent Cozart an inquiry letter requesting that Cozart complete the final sections of his 1033 Application. Crutchfield attached a copy of his incomplete 1033 Application and blank copies of the two missing sections. The inquiry cited 20 CSR 100-4.100(2)(A) and informed Cozart that failure to respond could be a violation of the law.

13. The United States Postal Service did not return the April 6, 2016 inquiry letter to the Division, and therefore it is presumed received by Cozart.

14. Cozart failed to provide a written response to the Division's April 6, 2016 letter and failed to demonstrate a reasonable justification for the delay.

CONCLUSIONS OF LAW

15. Section 375.141.1[2] provides, in relevant 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:
>
> * * *

[2] All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement, unless otherwise indicated.

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state [or]

* * *

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

16. Title 20 CSR 100-4.100(2)(A) Required Response to Inquiries by the Consumer Affairs Division, is a regulation of the Director and provides:

> Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

17. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. 2000) (internal citations omitted).

18. The Director may refuse to issue an insurance producer license to Cozart pursuant to § 375.141.1(2) because he violated 20 CSR 100-4.100(2)(A) when he failed to respond to an inquiry letter from the Division and failed to provide a reasonable justification for the delay.

19. The Director may refuse to issue an insurance producer license to Cozart pursuant to § 375.141.1(6) because Cozart has been convicted of two felonies or crimes involving moral turpitude, namely:

    a. Unlawful Possession of Controlled Substance, a Class 4 Felony in violation of 720 ILCS 570/402(c). *State of Illinois v. Eric P. Cozart*, 20th Jud. Cir. Ct. (Randolph Co.), Illinois, Case No. 2003-CF-221.

    b. Burglary, a Class 2 Felony in violation of 720 ILCS 5/19. *State of Illinois v. Eric P. Cozart,* 20th Jud. Cir. Ct. (Randolph Co.), Illinois, Case No. 2004-CF-191.

20. Each instance in which Cozart has been convicted of a felony or crime involving moral turpitude constitutes separate and sufficient ground for refusal pursuant to § 375.141.1(6).

21. The Director has considered Cozart's history and all of the circumstances surrounding his Application and exercises his discretion to refuse to issue Cozart an insurance producer license.

22. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that **Eric Paul Cozart's** insurance producer license application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 20th **DAY OF** September**, 2016.**

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 21st day of September, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, to the following address:

Eric Paul Cozart
151 Marble Crossing Drive,
Wentzville, Missouri, 63385

Tracking No. 1Z0R15W84294415541

Kathryn Latimer

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