# State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION

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| IN RE: | ) | |
| | ) | |
| | ) | Case No. 121219665C |
| Jeffrey A. Farley, | ) | |
| | ) | |
| Applicant. | ) | |

## ORDER REFUSING TO ISSUE RESIDENT INSURANCE PRODUCER LICENSE

On December 21, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a resident insurance producer license to Jeffrey A. Farley. 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. Jeffrey A. Farley ("Farley") is an individual residing in Missouri whose business, residence, and mailing address is 200 Broadway Terrace, Grain Valley, Missouri 64029.

2. On July 16, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received an electronic Uniform Application for Individual Insurance Producer License ("Application") from Farley.

3. In the section of the Application headed "Background Questions," Background Question #1, in relevant part, asks:

> Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?
>
> * * *
>
> If you answer yes, you must attach to this application:
> a) a written statement explaining the circumstances of each

incident,

b) a copy of the charging document,

c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

4. Farley answered "Yes" to Background Question #1, but failed to provide any supplemental information required with an affirmative answer to Background Question #1.

5. On October 29, 2012, Karen Crutchfield, Special Investigator with the Department's Consumer Affairs Division, sent a letter by first class mail to Farley at the address Farley provided on the Application asking Farley to provide the supplemental information required with an affirmative answer to Background Question #1. Crutchfield's letter required a response by November 19, 2012. Crutchfield's letter was not returned as undeliverable. Farley failed to respond to Crutchfield's October 29, 2012 letter and never contacted the Department to provide a reasonable justification for a delayed response.

6. On November 21, 2012, Crutchfield sent a second request for information to Farley. Crutchfield's second letter required a response by December 11, 2012, and was sent by first class mail and certified mail. Crutchfield's letters were not returned as undeliverable and the certified mail was delivered on December 12, 2012. Farley failed to respond to Crutchfield's November 21, 2012 letters and never contacted the Department to provide a reasonable justification for a delayed response.

7. After not receiving responses from Farley to the two letters, Division staff also unsuccessfully attempted to contact Farley at the email address Farley provided on the Application.

## CONCLUSIONS OF LAW

8. Section 375.141.1 RSMo (Supp. 2012),[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;

[1] All statutory references are to the 2012 Supplement to the Revised Statutes of Missouri, 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[.]

9. Title 20 CSR 100-4.100(2)(A) Required Response to Inquiries by the Consumer Affairs Division 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.

10. "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).

11. 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).

12. Farley may be refused an insurance producer license pursuant to § 375.141.1(1) because by failing to provide the supplemental information required with an affirmative response to Background Question #1, Farley intentionally provided incomplete information on his Application.

13. Farley may be refused an insurance producer license pursuant to § 375.141.1(2) because he violated a regulation, namely 20 CSR 100-4.100(2)(A), when he failed to respond to two inquiries from the Consumer Affairs Division (October 29, 2012 and November 21, 2012) and never contacted the Department to provide a reasonable justification for a delayed response.

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

15. Issuing Farley's resident insurance producer license would not be in the public interest.

16. This Order is in the public interest.

## ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of **Jeffrey A. Farley** is hereby **REFUSED**.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 21st DAY OF December, 2012.

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 28th day of December, 2012, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following address:

Jeffrey A. Farley
200 Broadway Terrace
Grain Valley, Missouri 64029

Certified Mail No. 7009-3410-0001-8931-9096

Kimberly Landers

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