State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
	)	Case No. 111229914C
Dounia A. White, a/k/a	)	
Amelia White, f/k/a	)	
Dounia Fernandez,	)	
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE NON-RESIDENT INSURANCE PRODUCER LICENSE

On January 18, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a non-resident insurance producer license to Dounia A. White, a/k/a Amelia White, f/k/a Dounia Fernandez. 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. Dounia A. White, a/k/a Amelia White, f/k/a Dounia Fernandez ("White") is an individual residing in Indiana whose residence and mailing address is 4440 Riverbrook Lane, Indianapolis, Indiana 46254. White's business address is 14390 Clay Terrace Boulevard, Suite 209, Carmel, Indiana 46032.

2. On or about July 7, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received an electronic Uniform Application for Individual Insurance Producer License ("Application") from White.

3. In the section of the Application headed "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? . . . Conviction includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered plea of

guilty or nolo contendere, or having been given probation, or suspended sentence or a fine." White answered "Yes" to Background Question #1. A "Yes" answer requires that the applicant send the following to the Department:

a. A written statement explaining the circumstances of each incident;
b. A copy of the charging document; and
c. A copy of the official document which demonstrates the resolution of the charges or any final judgment.

4. White disclosed with her Application that on April 3, 2000, the Maricopa County, Arizona County Attorney charged White with felony possession of dangerous drugs and felony possession of drug paraphernalia. White was subject to a probation agreement whereby the crimes remain undesignated as felonies and may be designated as misdemeanors if she successfully completed probation, including payment of a fine. To date, White has not paid her fine and the crimes remain undesignated. *State of Arizona v. Dounia Amelia Fernandez*, Case No. CR2000-005395.

5. White failed to disclose the following with her Application:

a. On July 25, 2003, White pled guilty to misdemeanor providing false information, in violation of A.R.S. §§13-2907.01A; 13-3904. *State of Arizona v. Dounia A. Fernandez*, Mesa Municipal Court, Docket No. 3003032904.

b. On August 9, 2006, White pled guilty to class 1 misdemeanor shoplifting in violation of A.R.S. §13-1805A.1 and class 2 misdemeanor failure to appear in violation of A.R.S. §13-3904A. *State of Arizona v. Dounia Amelia Fernandez*, Mesa Municipal Court, Docket No. 2003068842.

c. On or about May 7, 2009, White pled guilty to misdemeanor prostitution in violation of P.C.C. §23-52A. *State of Arizona v. Dounia Amelia Fernandez*, Phoenix Municipal Court, Case No. 13614098.

d. On May 21, 2009, White pled guilty to providing false information in violation of A.R.S. §§13-2907.01, 13-707, and 12-802. *State of Arizona v. Douinia* (sic) *Amelia Fernandez*, Gilbert Municipal Court, Case No. 07-CR-282-MI.

6. On September 14, 2011, Consumer Affairs Division Investigator Karen Crutchfield ("Crutchfield") sent a letter to White at her mailing address

with sufficient postage attached. Crutchfield's letter inquired into White's criminal history and required a response by October 5, 2011. The letter was not returned as undeliverable. White never provided a written response or justification for a delayed response.

JURISDICTION AND STATUTORY GROUNDS FOR REFUSAL

7. Section 375.141.1 RSMo Supp. 2011,[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[.]

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

> (2)(A) 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.

9. "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).

10. 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).

---

[1] All statutory references are to the 2011 Supplement to the Revised Statutes of Missouri, unless otherwise indicated.

11. White may be refused an insurance producer license pursuant to §375.141.1(1), because by failing to disclose four relevant guilty pleas in response to Background Question #1 on the Application, White provided materially incorrect, misleading, incomplete, or untrue information in the license. Such information is material in that White's criminal history may reflect negatively on his Application. *State of Arizona v. Dounia A. Fernandez*, Mesa Municipal Court, Docket No. 3003032904 (false information); *State of Arizona v. Dounia Amelia Fernandez*, Mesa Municipal Court, Docket No. 2003068842 (shoplifting and failure to appear); *State of Arizona v. Dounia Amelia Fernandez*, Phoenix Municipal Court, Case No. 13614098 (prostitution); and *State of Arizona v. Douinia Amelia Fernandez*, Gilbert Municipal Court, Case No. 07-CR-282-MI (false information).

12. White may be refused an insurance producer license pursuant to §375.141.1(3), because by failing to disclose four relevant guilty pleas on her Application in response to Background Question #1, White attempted to obtain a license through material misrepresentation or fraud. The guilty pleas are material to White's Application because it appears White was trying to conceal matters that may reflect negatively on her Application. *State of Arizona v. Dounia A. Fernandez*, Mesa Municipal Court, Docket No. 3003032904 (false information); *State of Arizona v. Dounia Amelia Fernandez*, Mesa Municipal Court, Docket No. 2003068842 (shoplifting and failure to appear); *State of Arizona v. Dounia Amelia Fernandez*, Phoenix Municipal Court, Case No. 13614098 (prostitution); and *State of Arizona v. Douinia Amelia Fernandez*, Gilbert Municipal Court, Case No. 07-CR-282-MI (false information).

13. White may be refused an insurance producer license pursuant to §375.141.1(2), because by failing to respond to an inquiry dated September 14, 2011, from the Consumer Affairs Division concerning her criminal history, White violated a Missouri insurance regulation, namely 20 CSR 100-4.100(2)(A).

14. The Director has considered White's history and all of the circumstances surrounding White's Application for licensure and exercised his discretion in summarily refusing to grant White's non-resident insurance producer license.

15. Granting White's non-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 non-resident insurance producer license application of Dounia A. White, a/k/a Amelia White, f/k/a Dounia Fernandez is hereby summarily REFUSED.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 19TH DAY OF JANUARY, 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 23rd day of January, 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:

Dounia White
4440 Riverbrook Lane
Indianapolis, Indiana 46254
Certified Mail No. 7008 2810 0000 2014 8977

Dounia White
14390 Clay Terrace Boulevard, Suite 209
Carmel, Indiana 46032.
Certified Mail No. 7008 2810 0000 2014 8984

Kathryn Randolph

Kathryn Randolph, Paralegal
Missouri Department of Insurance,
Financial Institutions and Professional
Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Kathryn.Randolph@insurance.mo.gov