FINAL ORDER EFFECTIVE 05-23-16

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
GREGORY A. EDWARDS,	)	**Case No. 151103497C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On February 19, 2016, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Gregory A. Edwards. 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. Gregory A. Edwards ("Edwards") is a Missouri resident with a business, residential, and mailing address of 2150 Fairhaven Drive, St. Louis, Missouri 63136.

2. The Department of Insurance, Financial Institutions and Professional Registration ("Department") received Edwards's electronic application for an individual resident insurance producer license ("Application") on June 2, 2015.

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. I further certify that, under penalty of perjury, a) I have no child-support obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.

4. Edwards accepted the "Attestation" section.

5. Background Question No. 1A of the Application asks:

> 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. Edwards marked "Yes" to Background Question No. 1A on his Application and provided a letter and documentation related to the following conviction:

   a. On August 31, 2006, Edwards was found guilty by a jury verdict of Child Molestation – 2nd Degree, a Class A Misdemeanor, in violation of § 566.068 RSMo.[1] On September 8, 2006, the court sentenced Edwards to one (1) year incarceration, but suspended the execution of sentence and placed Edwards on two (2) years' supervised probation. As conditions to his probation, Edwards was required, among other things, to register as a sex offender and complete sex offender counseling.

   State v. Gregory Edwards, St. Louis City Cir. Ct., Case No. 22059-00991, *aff'd*, 242 S.W.3d 435 (2007).

7. Background Question No. 7 of the Application asks:

> Do you have a child support obligation in arrearage?
>
> 7A. If you answer yes, a) by how many months are you in arrearage?
> 7B. b) are you currently subject to and in compliance with any repayment agreement?
> 7C. c) are you the subject of a child support related subpoena/warrant? (If you answered yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency).

8. Edwards marked "Yes" to Background Question No. 7 and further indicated that he

[1] All criminal statutory references are to the version of the Revised Statutes of Missouri (2000) under which the judgment was entered.

was "4" months in arrearage, was subject to and in compliance with a repayment agreement, and that he was not the subject of a child support related subpoena or warrant.

9. On August 10, 2015, in response to requests for documentation from the Consumer Affairs Division ("Division"), Edwards provided a payment history for his child support obligation in case number 1122-FC01222. On August 20, 2015, the Division received a second payment history with an adjusted balance for the same case. The payment history evidences the following child support order and arrearage:

   a. On July 15, 2011, an order confirming a foreign support order was entered which registered the support order in Missouri. Said child support order was entered in New York in 1998. While Edwards's monthly support obligation has ended, Edwards still owes arrears. Edwards owed $32,435.82 in child support arrears to K.T. as of June 2015 when the Department received Edwards's Application. As of February 2016, Edwards owes $10,017.24 in arrears. *MO Family Support Div. v. Gregory A. Edwards*, St. Louis City Cir. Ct., Case No. 1122-FC01222.

10. During its investigation, the Division discovered the following child support orders and arrearages that Edwards failed to disclose:

   a. On May 27, 2011, a judgment was entered directing Edwards to pay $246.00 per month to T.H. for support of one minor child. Edwards owed $11,995.05 in child support arrears to T.H. as of June 2015 when the Department received Edwards's Application. As of February 2016, Edwards owes $13,963.05 in arrears. *MO Family Support Div, et al. v. Gregory A. Edwards, et al.*, St. Louis City Cir. Ct., Case No. 1122-FC00896.

   b. On October 21, 2011, an order was entered directing Edwards to pay $131.00 per month to J.J. for support of one minor child. Edwards owed $4,404.85 in child support arrears to J.J. as of June 2015 when the Department received Edwards's Application. As of February 2016, Edwards owes $5,272.85 in arrears. *State of MO DFS, et al. v. Gregory A. Edwards*, St. Louis Co. Cir. Ct., Case No. 11SL-DR07114.

11. It is inferable, and hereby found as fact, that Edwards, in response to Background Question No. 7 on his Application and in the additional materials he provided the Division, downplayed his child support arrearages to misrepresent to the Director that he owed only four months in child support arrears in one case and, accordingly, to increase the likelihood that the Director would issue an insurance producer license to Edwards. Edwards was given the opportunity to provide documentation of his payment histories and child support arrearages and he chose to only disclose one of the three orders.

CONCLUSIONS OF LAW

12. Section 375.141 RSMo (Supp. 2013)[2] provides, in relevant 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; [or]
>
> * * *
>
> (13) Failing to comply with an administrative or court order imposing a child support obligation[.]

13. The Director may refuse to issue an individual resident insurance producer license to Edwards pursuant to § 375.141.1(1) because he intentionally provided materially incorrect, misleading, incomplete or untrue information in his Application when he failed to disclose two of his three child support obligations and their arrearages in response to Background Question No. 7:

    a. *MO Family Support Div, et al. v. Gregory A. Edwards, et al.*, St. Louis City Cir. Ct., Case No. 1122-FC00896. (Arrearage of $11,995.05 when the Department received Edwards's Application; Arrearage of $13,963.05 as of February 2016).

    b. *State of MO DFS, et al. v. Gregory A. Edwards*, St. Louis Co. Cir. Ct., Case No. 11SL-DR07114. (Arrearage of $4,404.85 when the Department received Edwards's Application; Arrearage of $5,272.85 as of February 2016).

14. Each instance in which Edwards intentionally provided materially incorrect, misleading, incomplete or untrue information in his Application is a separate and

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

sufficient ground for refusal pursuant to § 375.141.1(1).

15. The Director may refuse to issue an individual resident insurance producer license to Edwards pursuant to § 375.141.1(3) because he attempted to obtain a license through material misrepresentation or fraud when he failed to disclose two of his three child support obligations and their arrearages in response to Background Question No. 7:

    a. *MO Family Support Div, et al. v. Gregory A. Edwards, et al.*, St. Louis City Cir. Ct., Case No. 1122-FC00896. (Arrearage of $11,995.05 when the Department received Edwards's Application; Arrearage of $13,963.05 as of February 2016).

    b. *State of MO DFS, et al. v. Gregory A. Edwards*, St. Louis Co. Cir. Ct., Case No. 11SL-DR07114. (Arrearage of $4,404.85 when the Department received Edwards's Application; Arrearage of $5,272.85 as of February 2016).

16. Each instance in which Edwards attempted to obtain a license through material misrepresentation or fraud is a separate and sufficient ground for refusal pursuant to § 375.141.1(3).

17. The Director may refuse to issue an individual resident insurance producer license to Edwards pursuant to § 375.141.1(6) because he has been convicted of a crime involving moral turpitude:

    a. Child Molestation – 2nd Degree, a Class A Misdemeanor. *State v. Gregory Edwards*, St. Louis City Cir. Ct., Case No. 22059-00991, *aff'd*, 242 S.W.3d 435 (2007).

18. The Director may refuse to issue an individual resident insurance producer license to Edwards pursuant to § 375.141.1(13) because Edwards failed to comply with administrative or court orders imposing child support obligations:

    a. *MO Family Support Div. v. Gregory A. Edwards*, St. Louis City Cir. Ct., Case No. 1122-FC01222. (Arrearage of $32,435.82 when the Department received Edwards's Application; Arrearage of $10,017.24 as of February 2016).

    b. *MO Family Support Div, et al. v. Gregory A. Edwards, et al.*, St. Louis City Cir. Ct., Case No. 1122-FC00896. (Arrearage of $11,995.05 when the Department received Edwards's Application; Arrearage of $13,963.05 as of February 2016).

    c. *State of MO DFS, et al. v. Gregory A. Edwards*, St. Louis Co. Cir. Ct., Case No. 11SL-DR07114. (Arrearage of $4,404.85 when the Department received Edwards's Application; Arrearage of $5,272.85 as of February 2016).

19. Each failure to comply with an administrative or court order imposing a child support obligation is a separate and sufficient ground for refusal pursuant to § 375.141.1(13).

20. The above described instances are grounds upon which the Director may refuse to issue Edwards an individual resident insurance producer license.

21. Edwards's criminal conviction, as well as his significant child support arrearages that he failed to disclose the full extent of, demonstrate that issuing Edwards an insurance producer license would not be in the public interest.

22. The Director has considered Edwards's history and all of the circumstances surrounding Edwards's Application. Granting Edwards an insurance producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to issue an insurance producer license to Edwards.

23. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that Gregory A. Edwards's application for an individual resident insurance producer license is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 19TH DAY OF FEBRUARY, 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 22nd day of February, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Gregory A. Edwards
2150 Fairhaven Drive
St. Louis, Missouri 63136

Tracking No. 1Z0R15W84296272513

Kathryn Latimer, 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
Email: kathryn.latimer@insurance.mo.gov

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 March, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following address:

Gregory A. Edwards
2150 Fairhaven Drive
St. Louis, Missouri 63136

Certified No. 7014 1820 0000 3083 9903

Kathryn Latimer

Kathryn Latimer, 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
Email: kathryn.latimer@insurance.mo.gov

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 April, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, at the following address:

Gregory A. Edwards
2150 Fairhaven Drive
St. Louis, Missouri 63136

Kathryn Latimer, 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
Email: kathryn.latimer@insurance.mo.gov