State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
JASON ROSS BENNISON,	)	**Case No. 160524290C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On August 22, 2016, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse to issue an insurance producer license to Jason Ross Bennison. 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. Jason Ross Bennison ("Bennison") is an Indiana resident with a residential address of 4639 N. College Ave., Indianapolis, Indiana 46205 and a business and mailing address of 101 W. 103rd Street, Indianapolis, Indiana, 46290.

2. On April 5, 2016, Bennison submitted an electronic application for an individual non-resident insurance producer license ("Application") to the Department of Insurance, Financial Institutions and Professional Registration ("Department") through Mandi Garey, an authorized submitter.

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

4. Bennison answered "yes" in response to Background Question No. 1A of the Application.

5. 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)[.]

6. Bennison answered "yes" in response to Background Question No. 1B of the Application.

7. Bennison submitted statements and court documents explaining his responses to Background Questions 1A and 1B and disclosing the following criminal history:

   a. On February 10, 2009, Bennison was convicted of Operating a Vehicle While Intoxicated, a Class A Misdemeanor in violation of I.C. 9-30-5-2.[1] *State of Indiana v. Jason Bennison*, Hendricks Co. Super. Ct., Case No. 32D04-0810-CM-000440. The court restricted Bennison's driving privileges for 180 days and sentenced Bennison to 363 days' probation. *Id.*

   b. On February 18, 2010, Bennison pled guilty to Operating a Vehicle While Intoxicated Endangering a Person, a Class A Misdemeanor in violation of I.C. 9-30-5-2 (b). *State of Indiana v. Jason R. Bennison*, Muncie City Ct., Case No. 18H01-0902-CM-00369. The court sentenced Bennison to 365 days' incarceration but suspended his sentence to 365 days' probation and ordered that Bennison complete 60 hours of community service. *Id.*

   c. On May 23, 2012, Bennison pled guilty to Operating a Vehicle While Intoxicated Endangering a Person with a Prior Within Five Years, a Class D Felony, in violation of I.C. 9-30-5-3(a)(1). *State of Indiana v. Jason Ross Bennison*, Hamilton Co. Super. Ct., Case No. 29D04-1106-FD-8345. The court sentenced Bennison to 730 days in the Indiana Department of Correction to be served as 30 days' incarceration followed by 335 days' home detention and 365 days' probation. *Id.*

CONCLUSIONS OF LAW

8. 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:
>
> * * *
>
> (6) Having been convicted of a felony or crime involving moral turpitude[.]

9. The Director may refuse to issue a non-resident insurance producer license to Bennison pursuant to § 375.141.1(6) because Bennison has been convicted of a felony or crime

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

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

involving moral turpitude, namely Operating a Vehicle While Intoxicated Endangering a Person with a Prior Within Five Years, a Class D Felony in violation of I.C. 9-30-5-3(a)(1). *State of Indiana v. Jason Ross Bennison*, Hamilton Co. Super. Ct., Case No. 29D04-1106-FD-8345.

10. The Director has considered Bennison's history and all of the circumstances surrounding his Application and exercises his discretion to refuse to issue Bennison a non-resident insurance producer license.

11. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that **Jason Ross Bennison's** non-resident insurance producer license application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 25th **DAY OF** August**, 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 25th day of August, 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:

Jason Ross Bennison
101 W. 103rd Street
Indianapolis, Indiana 46290

Tracking No. 1Z0R15W84291263907

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