# State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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| **IN RE:** | ) | |
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| **JAMELA K. BUTLER,** | ) | **Case No. 160309151C** |
| | ) | |
| **Applicant.** | ) | |

## ORDER REFUSING TO ISSUE AN INSURANCE PRODUCER LICENSE

On June 21, 2016, the Consumer Affairs Division, through counsel, submitted a Petition to the Director alleging cause for refusing to issue a non-resident insurance producer license to Jamela K. Butler. 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. Jamela K. Butler ("Butler") is an Illinois resident with the mailing address of record of 2750 West Roosevelt Road, Chicago, Illinois 60608-1094.

2. On October 14, 2015, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Butler's completed non-resident insurance producer license application ("Application").

3. Butler's Application was submitted by Damon Royster ("Royster") of Norvax, Inc., an Authorized Submitter.

4. By submitting the Application on Butler's behalf, Royster certified as follows:

   "As the authorized submitter, I declare that the applicant provided all the information submitted on this application."

5. The "Attestation" section of the Application, states, in relevant part:

   1. I hereby certify, 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.

6. The "Attestation" section of the Application was accepted by Butler.

7. Background Question No. 1B of the Application asks the following, in relevant part:

   > Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?

8. Butler answered "Yes" to Background Question No. 1B on the Application.

9. Butler admitted in a brief explanation attached to the Application that she had been "charged with an Aggravated Battery which was graded as a felony." Butler claimed she "agreed to time served without any further pending litigations and accepted a charge of felony aggravated battery." Butler provided an uncertified copy of the Order of Commitment and Sentence to Illinois Department of Corrections related to *People of the State of Illinois v. Jamela Butler*, Cook Co. Cir. Ct., Case No. 12CR0182001, and a letter from the Illinois Department of Corrections notifying Butler of her discharge from parole/mandatory supervision.

10. On January 7, 2013, Butler was convicted of Aggravated Battery which involved:

    > [C]omitting a battery, other than by the discharge of a firearm, caus[ing] bodily harm to A. S-W.[1], to wit: stabbed A. S-W. in the head with a knife, and in committing the battery, Jamela Butler used a deadly weapon, to wit: a knife, in violation of Chapter 740 Act 5 Section 12-3.05(f)(1)[2] of the Illinois Compiled Statutes 1992 as amended and contrary to the peace and dignity of the same People of the State of Illinois.
    >
    > *People of the State of Illinois v. Jamela Butler*, Cook Co. Cir. Ct., Case No. 12CR0182001.

11. On January 7, 2013, the court sentenced Butler to two years in the Illinois Department of Corrections. *Id.*

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[1] The identity of the victim has been protected by the use of initials.

[2] All references to the Illinois Compiled Statutes are to the criminal statutes in effect at the time the court rendered judgment.

12. On March 29, 2016, the Director of the Illinois Department of Insurance issued an Order of Revocation which revoked Butler's insurance producer license for failing to reveal her felony conviction for Aggravated Battery/Use of a Deadly Weapon in Case No. 12CR0182001 on her insurance producer application. *In the Matter of the Revocation of Licensing Authority of: Jamela Butler*, Illinois Order of Revocation. (Mar. 29, 2016.). The Illinois Order of Revocation became effective on April 28, 2016. *Id.*

13. On May 18, 2016, a Special Investigator for the Consumer Affairs Division ("Division") sent Butler an inquiry letter. The inquiry letter requested Butler provide certified copies of the court records related to her felony conviction and warned that her failure to respond to the Division within twenty days, pursuant to 20 CSR 100-4.100(2)(A), may result in the refusal to issue Butler a non-resident insurance producer license.

14. The United States Postal Service did not return the May 18, 2016 inquiry letter to the Division, therefore it is presumed received by Butler.

15. Butler failed to provide a written response to the Division's May 18, 2016 inquiry letter within twenty days as required by 20 CSR 100-4.100(2)(A) and failed to demonstrate a reasonable justification for the delay.

## CONCLUSIONS OF LAW

16. Section 375.141 RSMo (Supp. 2013)[3] 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:
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> * * *
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> (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
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> * * *
>
> (6) Having been convicted of a felony or a crime involving moral turpitude; [or]

[3] All civil statutory references are to the RSMo (2000) as updated by the 2013 Supplement, unless otherwise indicated.

* * *

> (9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory[.]

17. 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.

18. "'Moral turpitude' has been defined as 'an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty, and good morals'." *Brehe v. Mo. Dep't of Elem. & Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007), citing *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985), quoting *In re Wallace*, 19 S.W.2d 625 (Mo. banc 1929).

19. "There is a clear 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).

20. The Director may refuse to issue a non-resident insurance producer license to Butler pursuant to § 375.141.1(6) because Butler was convicted of a felony. *People of the State of Illinois v. Jamela Butler*, Cook Co. Cir. Ct., Case No. 12CR0182001.

21. The Director may refuse to issue a non-resident insurance producer license to Butler pursuant to § 375.141.1(6) because Butler was convicted of felony Aggravated Battery, which is a crime involving moral turpitude because Butler stabbed A. S-W. in the head with a knife. *People of the State of Illinois v. Jamela Butler*, Cook Co. Cir. Ct., Case No. 12CR0182001.

22. The Director may refuse to issue a non-resident insurance producer license to Butler pursuant to § 375.141.1(9) because Butler's insurance producer license, or its equivalent, was suspended or revoked in Illinois. *In the Matter of the*

*Revocation of Licensing Authority of: Jamela Butler*, Illinois Order of Revocation. (Mar. 29, 2016.).

23. The Director may refuse to issue a non-resident insurance producer license to Butler pursuant to § 375.141.1(2) because she failed to respond to an inquiry letter from the Division, thereby violating 20 CSR 100-4.100(2)(A), a department regulation.

24. The Director has considered Butler's history and all of the circumstances surrounding Butler's Application. Issuing Butler's individual non-resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to issue Butler an individual non-resident insurance producer license.

25. This Order is in the public's interest.

## ORDER

**IT IS THEREFORE ORDERED** that the individual non-resident insurance producer license application of **Jamela K. Butler** is hereby **REFUSED**.

**SO ORDERED.**

**WITNESS MY HAND THIS 22nd DAY OF June, 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.

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## CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2016 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, signature required, at the following addresses:

Jamela K. Butler
2750 West Roosevelt Road
Chicago, Illinois 60608-1094

Tracking No. 1Z0R15W84297594012

Jamela K. Butler
929 North Sacramento Boulevard
Apartment 1A
Chicago, Illinois 60622

Tracking No. 1Z0R15W84295600026

Kathryn Latimer
Paralegal
Missouri Department of Insurance, Financial Institutions and Professional Registration
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