FINAL ORDER EFFECTIVE 07-18-16

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
JOHN FRANCIS HARRIS,	)	**Case No. 160129052C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On May 11, 2016, the Consumer Affairs Division, submitted a Petition to the Director alleging cause to refuse to issue a non-resident insurance producer license to John Francis Harris. 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. John Francis Harris ("Harris") is an Illinois resident with a residential and mailing address of 721 E. 88th St., Chicago, Illinois 60619 and a business address 214 W. Huron, Chicago, Illinois 60654.

2. On September 10, 2015, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Harris's completed electronic application for a non-resident insurance producer license ("Application").

3. Background Question No. 4 of the Application asks, "Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? If you answer yes, identify the jurisdiction(s)[.]"

4. Harris answered "Yes; IRS" in response to Background Question No. 4.

5. On September 21, 2015, after reviewing Harris's Application, Special Investigator Jodi Lehman of the Consumer Affairs Division ("Division") sent an inquiry letter to Harris at his residential and mailing address of record. The inquiry letter requested additional documentation and information about Harris's reported delinquent tax obligation. The inquiry letter further requested a response within twenty (20) days and

warned Harris that a failure to respond could result in the Department refusing to issue him a non-resident insurance producer license.

6. The United States Postal Service did not return the September 21, 2015 inquiry letter to the Division, and therefore it is presumed received by Harris.

7. Harris failed to provide a response to the Division's September 21, 2015 inquiry letter, and failed to demonstrate a reasonable justification for the delay.

8. On October 13, 2015, Investigator Lehman sent a second inquiry letter to Harris at his residential and mailing address of record. The inquiry letter requested the same documentation requested in the September 21, 2015 inquiry letter. The inquiry letter further requested a response within twenty (20) days, and again warned Harris that failure to respond could result in the Department refusing to issue him a non-resident insurance producer license.

9. The United States Postal Service did not return the October 13, 2015 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Harris.

10. Harris failed to provide a response to the Division's October 13, 2015 inquiry letter, and failed to demonstrate a reasonable justification for the delay.

11. On November 3, 2015, Investigator Lehman sent a third inquiry letter to Harris at his residential and mailing address of record. The inquiry letter requested the same documentation requested in the September 21, 2015 and October 13, 2015 inquiry letters. The inquiry letter further requested a response within twenty (20) days, and again warned Harris that failure to respond could result in the Department refusing to issue him a non-resident insurance producer license.

12. The United States Postal Service did not return the November 3, 2015 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Harris.

13. Harris failed to provide a response to the Division's November 3, 2015 inquiry letter, and failed to demonstrate a reasonable justification for the delay.

14. On November 13, 2015, Investigator Lehman contacted the "Authorized Submitter" that submitted Harris's Application. The Authorized Submitter conveyed that Harris's employment was terminated.

15. Investigator Lehman also attempted to contact Harris at the residence and business phone number listed on Harris's Application, but the phone line had been disconnected.

CONCLUSIONS OF LAW

16. Section 375.141 RSMo[1] provides, in 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:
>
> * * *
>
> (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state[.]

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. "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).

19. The Director may refuse to issue a non-resident insurance producer license to Harris pursuant to § 375.141.1(2) because Harris failed to respond to three (3) inquiry letters from the Division and failed to provide a reasonable justification for the delays, thereby violating 20 CSR 100-4.100(2)(A), a regulation of the Director, three (3) times.

20. Each violation of a regulation is a separate and sufficient ground for refusal pursuant to § 375.141.1(2).

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[1] All statutory references are to RSMo (2000) as updated by RSMo (Supp. 2013) unless otherwise noted.

21. The Director has considered Harris's history and all of the circumstances surrounding Harris's Application. Granting Harris a non-resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a non-resident insurance producer license to Harris.

22. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that **John Francis Harris's** non-resident insurance producer license application is hereby **REFUSED.**

SO ORDERED.

WITNESS MY HAND THIS 12th DAY OF May, 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 12th day of May, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, signature required, to the following address:

John Francis Harris
721 E. 88th St.
Chicago, Illinois 60654

Tracking No. 1Z0R15W84297351622

Kathryn Latimer
Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.6515
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Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, to the following address:

John Francis Harris
721 E. 88th St.
Chicago, Illinois 60654

Certified No. 7012 3460 0002 8615 0362

Kathryn Latimer
Paralegal
Missouri Department of Insurance, Financial Institutions and Professional Registration
301 West High Street, Room 530
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Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of June, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, to the following address:

John Francis Harris
721 E. 88th St.
Chicago, Illinois 60654

Kathryn Latimer
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