



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

JASMINE SHAUNTAY WARD,

Applicant.

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Case No. 140226257C

ORDER REFUSING TO ISSUE AN INSURANCE PRODUCER LICENSE

On March 26, 2014, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Jasmine Shauntay Ward. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Jasmine Shauntay Ward, ("Ward") is a Texas resident with a mailing address of 5150 Regent Boulevard, Irving, Texas 75063.
2. The Department of Insurance, Financial Institutions and Professional Registration ("Department") received Ward's completed Application for a non-resident insurance producer license ("Application") on August 26, 2013.
3. Ward's Application was submitted by Heather Glocke ("Glocke"), an Authorized Submitter.
4. By submitting the Application on Ward's behalf, Glocke 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, that 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.
7. Background Question No. 1 of the Application asks the following:

Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?
8. Ward answered "Yes" in response to Background Question No. 1.
9. Ward also submitted an attachment to further explain her response to Background Question No. 1. In her attachment, Ward disclosed that she had been convicted of theft by unlawful taking, driving under the influence, and provided court records for Case No. 687774C.
10. During its investigation, the Consumer Affairs Division ("Division") discovered the following:
 - a. On or about January 8, 2002 in the Superior Court of Passaic County, New Jersey, Ward pled guilty to Theft of a Motor Vehicle, a Third Degree Felony, in violation of N.J.S.A. 2C:5-1 and 2C:20-3(a). On or about April 4, 2002, the court sentenced Ward to 260 days' incarceration with time served, imposed a \$500.00 fine, and placed Ward on probation for one (1) year. Ward was subject to drug and alcohol dependency rules while on probation and was placed on warrant status. *State of New Jersey v. Jasmine S. Ward aka Angela Ward*, Passaic Co. Sup. Ct., Case No. 687774C.
 - b. On or about July 11, 2002 in the Circuit Court of Franklin County, Tennessee, Ward was charged with Felony Possession of Drug Paraphernalia, a Class E Felony, in violation of T.C.A. 39-17-425(b)(1), and with Manufacture of Methamphetamine, a Schedule II Controlled Substance, a Class C Felony, in violation of T.C.A. 39-17-417. On or about October 31, 2002, prosecution was suspended for two (2) years under the Pre-Trial Diversion Project, and Ward was ordered to complete one hundred (100) hours of community service work and be supervised during her first year of diversion. On or about December 2, 2002, Ward violated her supervision by absconding. On or about April 8, 2003, Ward pled guilty to Manufacture of Methamphetamine, a Schedule II Controlled Substance, a Class C Felony, in violation of T.C.A. 39-17-417. The court sentenced Ward to three (3) years' incarceration, placed Ward on supervised probation for three (3) years, and ordered Ward to pay a \$2,000.00 fine and complete one hundred (100) hours of community service work. On or about June 26, 2003, Ward's probation was revoked for testing positive for drugs, leaving drug rehabilitation without notification, and failure to report. Ward was sentenced to seventy-five (75) days' incarceration. On or about January 29, 2004, Ward's probation was again revoked for failure to report and testing positive for drugs. Ward was ordered to serve her original sentence. *State of Tennessee v. Jasmine S. Ward*, Franklin Co. Cir. Ct., Case No. 14754E.

11. After reviewing Ward's Application and her criminal record, Special Investigator Jodi L. Lehman ("Special Investigator Lehman") sent an inquiry letter to Ward dated October 2, 2013. Said letter requested additional documentation and information about Ward's felony convictions and for Ward's current telephone number and email address. The letter further requested a response by October 22, 2013, and warned Ward that a failure to respond could result in disciplinary action by the Department.
12. The United States Postal Service did not return the October 2, 2013 letter to the Division, and therefore it is presumed delivered.
13. Ward failed to provide a written response to the Division's October 2, 2013 letter by October 22, 2013, and failed to demonstrate a reasonable justification for the delay.
14. Special Investigator Lehman sent a second inquiry letter to Ward dated December 2, 2013 that, once again, requested information and documentation about Ward's felony convictions and for Ward's current telephone number and email address. The letter warned Ward that a failure to respond could result in disciplinary action by the Department.
15. The United States Postal Service did not return the December 2, 2013 letter to the Division, and therefore it is presumed delivered.
16. Ward failed to provide a written response to the Division's December 2, 2013 letter, and failed to demonstrate a reasonable justification for the delay.

CONCLUSIONS OF LAW

17. Section 375.141 RSMo (Supp. 2013)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:
 - (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the licensing 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;
 - * * *
 - (6) Having been convicted of a felony or crime involving moral turpitude[.]

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

18. 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.

19. "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).
20. 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. E.D. 1984).
21. The Director may refuse to issue an insurance producer license to Ward under § 375.141.1(1) because she intentionally provided misleading or incomplete information in the license application when she failed to disclose the following felony conviction on her Application:
- a. *State of Tennessee v. Jasmine S. Ward*, Franklin Co. Cir. Ct., Case No. 14754E (Manufacture of Methamphetamine, a Schedule II Controlled Substance, a Class C Felony, in violation of T.C.A. 39-17-417).
22. The Director may refuse to issue an insurance producer license to Ward under § 375.141.1(2) because she failed to adequately respond to two (2) separate inquiry letters from the Division and failed to provide a reasonable justification for the delay, thereby violating 20 CSR 100-4.100(2)(A), a department regulation.
23. Each failure to provide an adequate response and failure to provide a reasonable justification for the delay is a separate and sufficient cause for refusal under § 375.141.1(2).
24. The Director may refuse to issue an insurance producer license to Ward under § 375.141.1(3) because she attempted to obtain a license through material misrepresentation or fraud when she did not disclose the following conviction on her Application:
- a. *State of Tennessee v. Jasmine S. Ward*, Franklin Co. Cir. Ct., Case No. 14754E (Manufacture of Methamphetamine, a Schedule II Controlled Substance, a Class C Felony, in violation of T.C.A. 39-17-417).

25. The Director may refuse to issue an insurance producer license to Ward under § 375.141.1(6) because Ward has been convicted of two (2) felonies:
- b. *State of New Jersey v. Jasmine S. Ward aka Angela Ward*, Passaic Co. Sup. Ct., Case No. 687774C (Theft of a Motor Vehicle, a Third Degree Felony, in violation of N.J.S.A. 2C:5-1 and 2C:20-3(a)).
 - c. *State of Tennessee v. Jasmine S. Ward*, Franklin Co. Cir. Ct., Case No. 14754E (Manufacture of Methamphetamine, a Schedule II Controlled Substance, a Class C Felony, in violation of T.C.A. 39-17-417).
26. Each felony conviction is a separate and sufficient cause for refusal under § 375.141.1(6).
27. The Director has considered Ward's history and all of the circumstances surrounding Ward's Application.
28. In addition to her felony conviction and probation violation, Ward has demonstrated a disregard of the regulator from whom she seeks a license by her repeated failures to respond to the Division's inquiries. Therefore, granting Ward an insurance producer license would not be in the interest of the public.
29. Accordingly, the Director exercises his discretion and refuses to issue an insurance producer license to Ward.
30. This order is in the public interest.

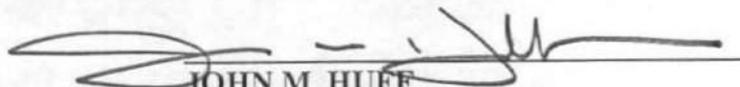
ORDER

IT IS THEREFORE ORDERED that the insurance producer license application of Jasmine Shauntay Ward is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 3RD DAY OF APRIL, 2014.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

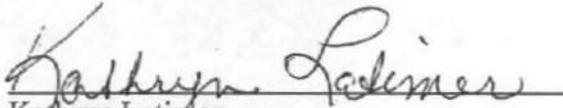
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 4th day of April, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following addresses:

Jasmine Shauntay Ward
5150 Regent Boulevard
Irving, Texas 75063

Tracking No. 1Z0R15W84295507977


Kathryn Landers

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