



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:

Jessica Stacks,

Applicant.

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Case No. 140610495C

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On July 29, 2014, Mary S. Erickson, counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue a resident insurance producer license to Jessica Stacks. 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. Jessica Stacks ("Stacks") is a Missouri resident with a residential, business, and mailing address of 2510 Grandview Circle, Columbia, Missouri 65203.
2. On April 26, 2014, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received an electronic resident insurance producer license application ("Application") from Stacks.
3. In the section of the Application headed "Background Questions," Background Question # 1 asks, in relevant part, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"
4. Stacks answered "Yes" to Background Question # 1, and disclosed the following convictions in her written correspondence and attachments:
 - a. On or about May 10, 2004, Stacks pled guilty to a Class A Misdemeanor Passing Bad Check-Less Than \$500. The court fined Stacks \$50.50 plus court cost. *State v. Jessica L. Stacks*, Pettis Co. Cir. Ct., Case No. 04CR316038.
 - b. While Stacks served with the United States Army as a Specialist stationed in the Republic of Korea as a postal clerk, an audit revealed Stack had a deficiency in cash and stamp stock totaling \$713.87. The military charged Stacks with stealing \$713.87 from the United States Postal Service in violation of Article 121, UCMJ and stealing

and secreting mail in violation of Article 134, UCMJ between November 15, 2007 and February 27, 2008. Stacks admitted in her letter that she pled guilty to the charges. *United States v. SPC Jessica L. Stacks*.

- c. On or about September 19, 2009, Stacks pled guilty to a Class D Felony DWI-Alcohol-Persistent Offender. The court sentenced Stacks to 4 years' incarceration with execution of sentence suspended and placed Stacks on 5 years supervised probation. *St. v. Jessica L. Stacks*, Miller Co. Cir. Ct., Case No. 09-CR00653-01.
- d. On or about November 30, 2009, Stacks pled guilty to the Class A Misdemeanor Assault of a Law Enforcement Officer in the Third Degree. The court sentenced Stacks to six (6) months' incarceration and a \$500.00 fine. The court suspended execution of the sentence and placed Stacks on two (2) years' unsupervised probation. *State v. Starks*, Camden Co. Cir. Ct., Case No. 09CV-CR02182.

5. With her Producer Application, Stacks also submitted letters explaining her passing bad checks, Felony DWI, and Misdemeanor Assault/Attempt Assault. Regarding her passing bad checks conviction, Stacks maintained that she was unaware that she did not have enough money in her account to cover the check, and when she realized it, she took care of it right away.

6. Regarding her conviction for felony DWI, Stacks admitted past alcohol abuse and driving, though she claimed the incident that gave rise to the Felony DWI charge was a suicide attempt. She claims to now be in recovery and says she attends AA. As for her misdemeanor assault conviction, Stacks admitted that, following the crash that led to her Felony DWI conviction, she was admitted to the hospital and spit at a security guard.

7. On May 6, 2014, the Consumer Affairs Division's Special Investigator Karen Crutchfield sent a letter to Stacks at her address of record via first class mail asking Stacks for information regarding her stealing charges and the circumstances behind the charges.

8. On May 12, 2014, Stacks sent in a handwritten letter to Crutchfield. In it, Stacks admitted the facts constituting her stealing conviction, noting, "I reached my breaking point, I knew I would get caught there wasn't a doubt in my mind I used the money to purchase food so I could binge and purge." Also in May 12th correspondence, Stacks admitted that she was "court martialed" for the military offenses.

CONCLUSIONS OF LAW

9. 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:

* * *

(6) Having been convicted of a felony or crime involving moral turpitude;

* * *

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere[.]

10. 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).

**CAUSE FOR ORDER REFUSING TO ISSUE
INSURANCE PRODUCER LICENSE**

11. Stacks may be refused an insurance producer license pursuant to § 375.141.1(6) because she has been convicted of a felony:

a. *State v. Jessica L. Stacks*, Miller Co. Cir. Ct., Case No. 09-CR00653-01 (Class D Felony DWI-Alcohol-Persistent Offender).

12. Stacks may be refused an insurance producer license pursuant to § 375.141.1(6) because she has been convicted of four (4) crimes of moral turpitude:

a. *State v. Jessica L. Stacks*, Pettis Co. Cir. Ct., Case No. 04CR316038 (Class A Misdemeanor Passing Bad Check-Less Than \$500);

b. *United States v. Jessica L. Stacks*, (stealing \$713.87 from the United States Postal Service in violation of Article 121, UCMJ, and stealing mail in violation of Article 134, UCMJ); and

c. *State v. Starks*, Camden Co. Cir. Ct., Case No. 09CV-CR02182 (Class A Misdemeanor Assault of a Law Enforcement Officer in the Third Degree).

13. Stacks may be refused an insurance producer license pursuant to § 375.141.1(8) because she used dishonest practices or demonstrated untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere in that while stationed with a unit serving the

¹ All statutory references are to the Revised Statutes of Missouri (Supp. 2013) unless otherwise noted.

United States Postal Service in South Korea, Stacks stole money, stamps, and mail from the United States Postal Service.

14. The Director has considered Stacks's history and all of the circumstances surrounding her Application. As such, granting Stacks a resident insurance producer license would not be in the interest of the public. For all of the reasons stated in this Order, the Director exercises his discretion by refusing to issue Stacks an insurance producer license.

15. This order is in the public interest.

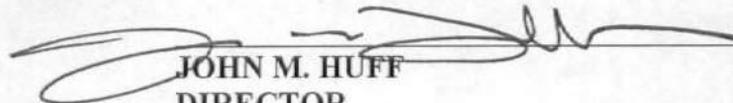
ORDER

IT IS THEREFORE ORDERED that the application for a resident insurance producer license of JESSICA STACKS is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 6TH DAY OF AUGUST, 2014.




JOHN M. HUFF
DIRECTOR

NOTICE

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

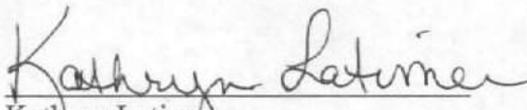
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri within (30) days after the mailing of this notice pursuant to § 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your 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 August, 2014, a copy of the foregoing notice and order was served upon Jessica Stacks in this matter by UPS, signature required by recipient, at the following address:

Jessica Stacks
2510 Grandview Circle
Columbia, MO 65203

Tracking No. 1Z0R15W84295136985



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