



## State of Missouri

### DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:

Phillip Jaurequi,  
Applicant.

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Case No. 12-1115593C

#### ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On February 6, 2013, Carolyn H. Kerr, Legal Counsel and Counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue the insurance producer license of Phillip Jaurequi. 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. Phillip Jaurequi ("Jaurequi") is an individual residing in Arizona.
2. On or about April 10, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Jaurequi's electronic nonresident insurance producer license application ("Application").
3. In his Application, Jaurequi provided a residential address of 900 W. Grove Parkway, #1039, Tempe, Arizona 85283 and provided a business and mailing address of 14415 S. 50<sup>th</sup> Street, #150, Phoenix, Arizona 85044.
4. Background Question No. 1 of the Application asks, in relevant part: "Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?"
5. Jaurequi marked "Yes" in response to Question No. 1.
6. On or about February 5, 2002, Jaurequi pled guilty to the Class 5 Felony of Aggravated Assault in violation of A.R.S. §§ 13-1203, 1204, 701, 702, 702.01, 801 and 804. The court suspended the imposition of sentence and placed Jaurequi on probation for a period of three years with the conditions that Jaurequi serve three months in the Maricopa County Jail, complete 100 hours of Community Service, and pay a service fee and victim restitution. The court discharged Jaurequi from probation effective February 5, 2005. *State of Arizona v. Phillip C. Jaurequi*, Superior Court of Arizona Maricopa County, No. CR 2001-012986.

7. On or about April 25, 2012, Special Investigator Karen Crutchfield ("Crutchfield") sent a letter to Jaurequi's business and mailing address by first class mail asking Jaurequi to provide additional criminal records and explain arrests on his record. The letter requested a response by May 16, 2012. Jaurequi contacted Crutchfield by email on April 30, 2012 requesting a "couple more days" to provide the requested information, and again by telephone on May 1, 2012. However, Jaurequi failed to provide the requested information to the Department.
8. On or about June 22, 2012, Crutchfield sent a letter by certified and first class mail to Jaurequi's residential address asking Jaurequi to provide additional criminal records and explain arrests on his record. The letter requested a response by July 13, 2012. The certified mail was returned to the Department as "unclaimed." The first class mail was not returned to the Department as undeliverable. Jaurequi did not respond with the requested information and did not contact the Department in any other way to provide a reasonable justification for a delayed response.

### CONCLUSIONS OF LAW

9. Section 375.141 RSMo (Supp. 2011) 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[.]
10. Title 20 CSR 100-4.100(2)(A) Required Response to Inquiries by the Consumer Affairs Division provides:
  - (A) 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.
11. The principal purpose of § 375.141 RSMo 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 INDIVIDUAL PRODUCER LICENSE

12. The Director may refuse to issue an insurance producer license to Jaurequi pursuant to § 375.141.1(2) because Jaurequi violated a Missouri insurance regulation, 20 CSR 100-

4.100(2)(A), in that Jaurequi failed to provide an adequate response to the Division's April 25, 2012 letter and failed to respond to the Division's June 22, 2012 letter or provide a reasonable justification for his delayed response. Each violation is a separate ground to refuse Jaurequi's insurance producer license.

13. Jaurequi has failed to provide adequate responses to two inquiries from the Consumer Affairs Division. Granting Jaurequi a nonresident insurance producer license would not be in the interest of the public. Therefore, in applying his discretion, the Director has considered all of the facts and circumstances surrounding Jaurequi's Application for an insurance producer license and, for all of the reasons given in this Order, exercises his discretion in refusing to issue Jaurequi's insurance producer license.
14. This Order is in the public interest.

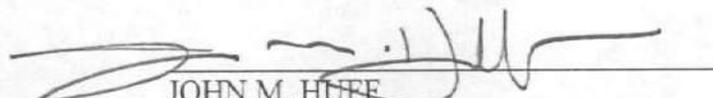
**ORDER**

IT IS THEREFORE ORDERED that the non-resident insurance producer license application of PHILLIP JAUREQUI is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 6<sup>TH</sup> DAY OF FEBRUARY, 2013.



  
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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 7th day of January, 2013, a copy of the foregoing notice and order was served upon Phillip Jaurequi in this matter by U.S. mail, postage pre-paid and by certified mail at the following address:

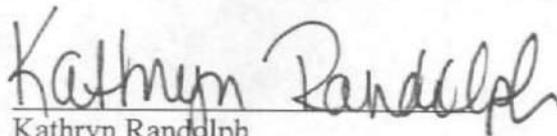
Phillip Jaurequi  
900 W. Grove Parkway, #1039  
Tempe, Arizona 85283

Certified Mail # 7009 3410 0001 9255 5979

And

Phillip Jaurequi  
14415 S. 50<sup>th</sup> Street, #150,  
Phoenix, Arizona 85044

Certified Mail # 7009 3410 0001 9255 5986



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