



State of Missouri

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

IN RE:

Christopher S. King,

Applicant.

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Case No. 121203617C

**ORDER REFUSING TO ISSUE
INSURANCE PRODUCER LICENSE**

On December 13, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a non-resident insurance producer license to Christopher S. King. 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. Christopher S. King ("King") is an individual residing in Texas whose mailing address of record is 3226 Mount Vernon Avenue, Fort Worth, Texas 76103.
2. On October 16, 2010, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received an electronic non-resident insurance producer application ("2010 Application") from King.
3. In the "Background Questions" section of the 2010 Application, Background Question #4 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 so, in what jurisdiction(s)?" King answered "Yes; IRS."
4. Background Question #7 asks: "Do you have a child support obligation in arrearage?" King answered "Yes."
5. Background Question #7A asks: "by how many months are you in arrearage?" King answered "12."
6. Background Question #7B asks: "are you currently subject to a repayment agreement?" King answered "Yes."

7. Background Question #7C asks: "are you the subject of a child support related subpoena/warrant?" King answered "Yes."

8. On November 10, 2010, Consumer Affairs Division Investigator Karen Crutchfield mailed a letter to King at his mailing address of record by first class mail requesting more information about the answers King provided on the 2010 Application. The letter was not returned to the Department as undeliverable.

9. King did not respond to the November 10, 2010 letter in writing. However, King did call Investigator Crutchfield on November 17, 2010, to acknowledge receipt of the letter and King asked if he could fax the requested information to Investigator Crutchfield. Crutchfield said that would be acceptable. King did not fax the requested information and did not contact the Department in any way to provide a reasonable justification for a delayed response.

10. On December 6, 2010, Investigator Crutchfield mailed a letter to King at his mailing address of record by certified mail, requesting more information about the answers King provided on the 2010 Application. The letter was returned to the Department as "unclaimed."

11. On December 29, 2010, Investigator Crutchfield mailed a letter to King at his mailing address of record by certified mail, requesting more information about the answers King provided on the 2010 Application. The letter was returned to the Department as "unclaimed."

12. On January 19, 2011, Investigator Crutchfield sent King an email to the email address King provided on the 2010 Application requesting more information about the answers King provided on the 2010 Application. The email was not returned as undeliverable. King did not respond to the email.

13. On February 14, 2011, Investigator Crutchfield called the residential telephone number King provided on the 2010 Application. After verifying that King lived at the residence, Crutchfield left a message with a woman who answered the telephone. King did not return Crutchfield's call.

14. On February 23, 2011, Investigator Crutchfield mailed a letter to King at his mailing address of record by first class mail requesting more information about the answers King provided on the 2010 Application. The letter was not returned to the Department as undeliverable. King did not respond to the February 23, 2011 letter and did not contact the Department to provide a reasonable justification for a delayed response.

15. On June 1, 2011, the Director of the Department refused King's 2010 Application. *In re: Christopher S. King, Refusal to Issue Insurance Producer*

License, Case No. 110411455C, Refusal to Issue Insurance Producer License ("2011 Refusal"). King did not appeal the 2011 Refusal.

16. On September 17, 2012, the Department received an electronic non-resident insurance producer application ("2012 Application") from King.

17. In the "Background Questions" section of the 2012 Application, Background Question #2 asks: "Have you ever been named or involved as a party in an administrative proceeding including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?" King answered "No" to Background Question #2.

18. King did not disclose on his 2012 Application that he had been named as a party in the administrative proceeding regarding King's 2010 Application for a non-resident insurance producer license resulting in the issuance of the 2011 Refusal.

19. King indicated on the 2012 Application that he had a child support obligation in arrearage for three months, and that the arrearage was subject to a repayment agreement.

20. On September 25, 2012, Investigator Crutchfield mailed a letter to King at his mailing address of record by first class mail to ask King why he did not disclose the 2011 Refusal, to provide a copy of his child support history, and to ask about his current tax situation. The letter was not returned to the Department as undeliverable. King did not respond to the September 25, 2012 letter or provide a reasonable justification for a delayed response.

21. On October 18, 2012, Investigator Crutchfield mailed a second letter to King at his mailing address of record by first class mail and certified mail which contained the same inquiries as the September 25, 2012 letter. The letters were not returned to the Department as undeliverable. The certified mail delivery history shows that it went to Fort Worth, Texas, the city where King resides, on October 20, 2012. King did not respond to the October 18, 2012 letters or provide a reasonable justification for a delayed response.

22. Investigator Crutchfield also unsuccessfully attempted to contact King at the telephone number and email address provided on the 2012 Application.

CONCLUSIONS OF LAW

23. Section 375.141.1 RSMo (Supp. 2012),¹ provides, in part:

¹ All statutory references are to the Revised Statutes of Missouri (Supp. 2012) unless otherwise noted.

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 license 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[.]

24. 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.

25. "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).

26. 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. 1984).

27. King may be refused a non-resident insurance producer license pursuant to § 375.141.1(1) because by answering "No" to Background Question #2, King intentionally provided materially incorrect, misleading, incomplete or untrue information on the 2012 Application. King's answer to Background Question #2 was materially incorrect, misleading, incomplete, or untrue in that he had "been named or involved as a party in an administrative proceeding including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration" in that the Director refused King's 2010 Application when the Director issued the 2011 Refusal.

28. King may be refused a non-resident insurance producer license

pursuant to § 375.141.1(3) because by answering "No" to Background Question #2, King attempted to obtain a license through material misrepresentation or fraud. King's response to Background Question #2 was a material misrepresentation in that he had "been named or involved as a party in an administrative proceeding including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration" in that the Director refused King's 2010 Application when the Director issued the 2011 Refusal. Such information is material because it appears King was attempting to conceal matters that may reflect negatively on his 2012 Application.

29. King may be refused a non-resident insurance producer license pursuant to § 375.141.1(2) because by failing to respond to at least four inquiries from the Consumer Affairs Division, including inquiries on November 10, 2010, February 23, 2011, September 25, 2012, and October 18, 2012, King violated a Missouri insurance regulation, namely 20 CSR 100-4.100(2)(A).

30. The Director has considered King's history and all of the circumstances surrounding King's 2012 Application for licensure and exercises his discretion in refusing to grant King's non-resident insurance producer license.

31. Granting King's non-resident insurance producer license would not be in the public interest.

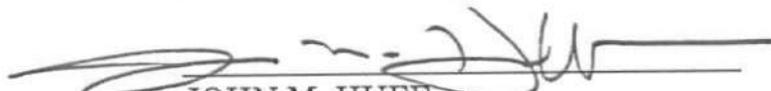
32. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the non-resident insurance producer license application of Christopher S. King is hereby REFUSED.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 19th
DAY OF DECEMBER, 2012.




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, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to §621.120, RSMo. Under 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 21st day of December, 2012, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following address:

Christopher S. King
3226 Mount Vernon Avenue
Fort Worth, Texas 76103

Certified Mail No. 7009 3410 0001 9255 5917



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