State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
Christopher S. King,	)	
	)	Case No. 110411455C
Applicant.	)	
	)	
Serve at:	)	
	)	
3226 Mount Vernon Avenue	)	
Forth Worth, Texas 76103	)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On May 23, 2011, counsel for the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue an 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 summary order:

FACTUAL BACKGROUND

1. Christopher S. King ("King") is an individual residing in Texas whose mailing address of record is 3226 Mount Vernon Avenue, Forth 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 ("Application") from King.

3. In the "Background Questions" section of the 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 with sufficient postage, requesting more information about the answers King provided on the 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 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 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 Application requesting more information about the answers King provided on the Application. The email was not returned as undeliverable. Kind did not respond to the email and did not contact the Department in any way to provide a reasonable justification for a delayed response.

13. On February 14, 2011, Investigator Crutchfield called the residential telephone number King provided on the 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 with sufficient postage, requesting more information about the answers King provided on the Application.

The letter was not returned to the Department as undeliverable. King did not respond to the November 10, 2010 letter and did not contact the Department to provide a reasonable justification for a delayed response.

CONCLUSIONS OF LAW

15. Section 375.141.1 RSMo (Supp. 2010),[1] provides, in part:

> 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[.]

16. 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.

17. "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).

18. 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).

19. The Director may refuse King's insurance producer license Application pursuant to § 375.141.1(2) because by failing to respond to at least two inquiries from the Consumer Affairs Division, including inquires on November 10, 2010 and February 23, 2011, King violated a Missouri insurance regulation, namely 20 CSR 100-4.100(2)(A).

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[1] All statutory references are to the Revised Statutes of Missouri (Supp. 2010) unless otherwise noted.

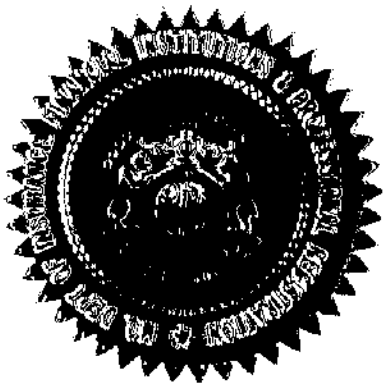
20. The Director has considered King's history and all of the circumstances surrounding King's Application for licensure and exercises his discretion in summarily refusing to grant King's insurance producer license.

21. Granting King's insurance producer license would not be in the public interest. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license application of **Christopher S. King** is hereby summarily **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 1ST DAY OF JUNE, 2011.



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 28th day of June, 2011 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by U.S. regular mail at the following address:

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

Kathryn Randolph

Kathryn Randolph, Paralegal