FINAL ORDER EFFECTIVE 05-05-16

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
MARK SEBASTIAN MITCHELL,	)	**Case No. 160126043C**
	)	
Additional Line Applicant.	)	

ORDER REFUSING TO ISSUE LICENSE FOR ADDITIONAL LINE OF AUTHORITY

On March 29, 2016, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a license for the additional life insurance line of authority to Mark Sebastian Mitchell. After reviewing the Petition, 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. Mark Sebastian Mitchell ("Mitchell") is a Florida resident with a residential, business, and mailing address of record of 2571A Coral Way East, Daytona Beach, Florida 32118-5517.

2. On February 10, 2003, the Internal Revenue Service filed a Notice of Federal Tax Lien in Miami-Dade County, Florida, stating "that taxes (including interest and penalties) ha[d] been assessed against" Mitchell, specifically $9,728.38 of federal income tax regarding the years 1999 and 2000, and that it had "made a demand for payment of this liability, but it remain[ed] unpaid." *Notice of Federal Tax Lien*, Miami-Dade Co. Cir. Ct., Florida, File No. 03R090300.

3. On December 14, 2007, the Internal Revenue Service filed a Notice of Federal Tax Lien in Volusia County, Florida, stating "that taxes (including interest and penalties) ha[d] been assessed against" Mitchell, specifically $55,773.52 of federal income tax regarding the years 2002, 2003, 2004, and 2005, and that it had "made a demand for payment of this liability, but it remain[ed] unpaid." *Notice of Federal Tax Lien*, Volusia Co. Cir. Ct., Florida, File No. 2007-276963.

4. On February 10, 2009, the Internal Revenue Service filed a Notice of Federal Tax Lien in Volusia County, Florida, stating "that taxes (including interest and penalties) ha[d] been assessed against" Mitchell, specifically $11,970.35 of federal income tax regarding the year 2006, and that it had "made a demand for payment of this liability, but it remain[ed] unpaid." *Notice of Federal Tax Lien*, Volusia Co. Cir. Ct., Florida, File No. 2009-023464.

5. On or about September 19, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") electronically received Mitchell's Uniform Application for Individual Producer License/Registration ("2013 Application").

6. Mitchell marked "No" in response to Background Information question 1 of the 2013 Application which asked, 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?
>
> * * *
>
> "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere or no contest, or having been given probation, a suspended sentence, or a fine.
>
> If you answer yes, you must attach to this application:
> a) a written statement explaining the circumstances of each incident,
> b) a copy of the charging document,
> c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

7. Mitchell marked "No" in response to Background Information question 2 of the 2013 Application which asked, in relevant part:

> Have you ever been named or involved as a party in an administrative proceeding ... regarding any professional or occupational license or registration?
>
> "Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. "Involved" also means having a license, or registration application denied[.]
>
> * * *
>
> If you answer yes, you must attach to this application:
> a) a written statement identifying the type of license and explaining the circumstances of each incident,
> b) a copy of the Notice of Hearing or other document that states the charges and allegations, and

c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

8. Mitchell accepted by his electronic signature the Applicant's Certification and Attestation section of the 2013 Application which provided, in relevant part:

> 1. I hereby certify that, under penalty of perjury, 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. I acknowledge that I understand and will comply with the insurance laws and regulations of the jurisdiction[] to which I am applying for licensure.
>
> * * *
>
> 8. I hereby certify that upon request, I will furnish the jurisdiction[] to which I am applying, certified copies of any documents attached to this application or requested by the jurisdiction[].

9. Relying on Mitchell's sworn representations in his 2013 Application, on September 19, 2013, the Department issued him non-resident insurance producer license number 8300900, with authority to produce insurance in the lines of accident and health only.

10. On September 3, 2015, the Department electronically received Mitchell's Uniform Application for Individual Producer License Renewal/Continuation ("2015 Renewal Application").

11. Mitchell marked "No" in response to Background Information question 1b of the 2015 Renewal Application which asked, in relevant part:

> Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department?
>
> * * *
>
> "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere or no contest, or having been given probation, a suspended sentence, or a fine.

If you answer yes ..., you must attach to this application:

a) a written statement explaining the circumstances of each incident,
b) a copy of the charging document,
c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

12. Mitchell marked "No" in response to Background Information question 2 of the 2015 Renewal Application which asked, in relevant part:

> Have you been named or involved as a party in an administrative proceeding ... regarding any professional or occupational license or registration, which has not been previously reported to this insurance department?
>
> "Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, placed on probation, sanctioned or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. "Involved" also means having a license, or registration, application denied[.]
>
> * * *
>
> If you answer yes, you must attach to this application:
>
> a) a written statement identifying the type of license and explaining the circumstances of each incident,
> b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
> c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

13. Mitchell accepted by his electronic signature the Applicant's Certification and Attestation section of the 2015 Renewal Application which provided, in relevant part:

> 1. I hereby certify that, under penalty of perjury, 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. I acknowledge that I understand and will comply with the insurance laws and regulations of the jurisdiction[] to which I am applying for licensure.

7. I hereby certify that upon request, I will furnish the jurisdiction[] to which I am applying, certified copies of any documents attached to this application or requested by the jurisdiction[].

14. Relying on Mitchell's sworn representations in his 2015 Renewal Application, the Department renewed his non-resident insurance producer license, which is currently set to expire September 19, 2017.

15. On October 1, 2015, the Department electronically received Mitchell's Uniform Application for Individual Producer License/Registration, requesting authority to produce life insurance, in addition to the accident and health lines of authority for which Mitchell was already licensed ("2015 Additional Line Application").

16. Mitchell marked "No" in response to Background Information question 1b of the 2015 Additional Line Application which asked, in relevant part:

> Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?
>
> * * *
>
> "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere or no contest, or having been given probation, a suspended sentence, or a fine.
>
> If you answer yes ..., you must attach to this application:
> a) a written statement explaining the circumstances of each incident,
> b) a copy of the charging document,
> c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

17. Mitchell marked "No" in response to Background Information question 2 of the 2015 Additional Line Application which asked, in relevant part:

> Have you ever been named or involved as a party in an administrative proceeding ... regarding any professional or occupational license or registration?
>
> "Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or

registration. "Involved" also means having a license, or registration application denied[.]

* * *

If you answer yes, you must attach to this application:

a) a written statement identifying the type of license and explaining the circumstances of each incident,
b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

18. Mitchell accepted by his electronic signature the Applicant's Certification and Attestation section of the 2015 Additional Line Application which provided, in relevant part:

1. I hereby certify that, under penalty of perjury, 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. I acknowledge that I understand and will comply with the insurance laws and regulations of the jurisdiction[] to which I am applying for licensure.

* * *

8. I hereby certify that upon request, I will furnish the jurisdiction[] to which I am applying, certified copies of any documents attached to this application or requested by the jurisdiction[].

19. Contrary to Mitchell's representations on his 2013 Application, 2015 Renewal Application, and 2015 Additional Line Application, Mitchell was the defendant in a Florida felony prosecution which he has never reported to the Department, including:

a. On July 9, 2003, the state of Florida charged Mitchell by Information with Driving While License Canceled, Suspended or Revoked, a Class 3 Felony ("Driving While Canceled"). *Florida v. Mark S. Mitchell*, Putnam Co. Cir. Ct., Case No. 03-1210-CF.

b. On February 24, 2005, Mitchell entered a plea of nolo contendere to Driving While Canceled and the court withheld adjudication, crediting him for one (1) day of incarceration and ordering him to pay several sums as a civil judgment. *Id.*

20. Contrary to Mitchell's representations on his 2013 Application, 2015 Renewal Application, and 2015 Additional Line Application, the following administrative actions were taken against Mitchell, Mitchell's insurance producer license or its equivalent, or a professional or occupational license he held, which Mitchell has never reported to the Director:

a. On or about January 31, 2003, the Florida Department of Financial Services, Insurance Division, suspended Mitchell's Florida resident insurance producer license, or its equivalent, for a period of three months based on determinations in its case #42015-01-AG that Mitchell violated FLA. STAT. §§ 626.611(7), 626.611(8), and 626.9541(1)(o)1. Fla. Dep't of Fin. Servs., Ins. Div., Case No. 42015-01-AG (Jan. 31, 2003).

b. On November 11, 2013, the Wisconsin Commissioner of Insurance denied Mitchell a permanent individual intermediary agent's insurance license based on determinations in his case #13-C35802 that Mitchell's application for licensure could, or was required to, be refused pursuant to WIS. STAT. §§ 601.42, 628.04, 628.097, and WIS. ADMIN. CODE INS. §§ 6.59(5)(b), (c), and (d). The letter denying Mitchell's application warned him that "[t]his license denial is an administrative action and will be reported to other states. You should check with each state that you are licensed in to see if you are required to report this administrative action. This administrative action should be disclosed on future applications." *In re Mark Sebastian Mitchell*, Wis. Office of the Comm'r of Ins., Case No. 13-C35802 (Nov. 11, 2013).

c. On December 9, 2013, the South Dakota Department of Labor and Regulation, Division of Insurance, denied Mitchell a nonresident insurance producer license based on its determinations that Mitchell's application for licensure could be refused pursuant to S.D. CODIFIED LAWS § 58-30-167(1), (2), (3), (8), and (9). The letter denying Mitchell's application warned him that "this denial is considered an administrative action ... [which] an insurance producer may be required to report[.]" S.D. Dep't of Labor and Regulation, Div. of Ins. (Dec. 9, 2013).

d. On April 21, 2014, the Louisiana Department of Insurance fined Mitchell $250.00 based on its determination that Mitchell had violated LA. REV. STAT. § 22:1554(A) by failing to report the Wisconsin and South Dakota administrative actions referenced in the immediately preceding two subparagraphs.[1]

e. On July 2, 2014, the Commissioner of Insurance of the Louisiana Department of Insurance suspended Mitchell's Louisiana non-resident insurance producer license, number 605964, for six months. La. Dep't of Ins. (July 2, 2014).[2]

f. On September 17, 2014, the Iowa Insurance Commissioner revoked Mitchell's Iowa non-resident insurance producer license and imposed a civil

[1] United States Postal Service electronic tracking information for the certified mail Notice of Fine sent to Mitchell reflects a delivery date of April 25, 2014.

[2] United States Postal Service electronic tracking information for the certified mail Notice of Regulatory Action sent to Mitchell reflects a delivery date of July 5, 2014.

penalty in the amount of $1,000.00 based on his determinations that Mitchell violated IOWA CODE §§ 522B.11(1)(p) and 522B.16. Default Order of Revocation, Cease and Desist and Civil Penalty, *In the Matter of Mark Sebastian Mitchell*, Iowa Ins. Div., File No. 84468.

g. On September 26, 2014, the Insurance Commissioner of California revoked Mitchell's California non-resident insurance agent license, finding that Mitchell violated CAL. INS. CODE §§ 1729.2 and 1736.5. Default Decision and Order of Revocation, *In the Matter of the License and Licensing Rights of Mark Sebastian Mitchell*, Cal. Dep't of Ins., File No. LBB 9001-AP.

h. On November 25, 2014, the Kansas Commissioner of Insurance revoked Mitchell's Kansas nonresident insurance agent's license based on her determinations that Mitchell's license was subject to revocation pursuant to K.S.A. §§ 40-4909(a)(1), (a)(2)(A), (a)(2)(C), (a)(9), (b), and KAN. ADMIN. REGS. § 40-7-9(a). Summary Order, *In the Matter of the Kansas Nonresident Insurance Agent's License of Mark Sebastian Mitchell, NPN 496238*, Kan. Ins. Dep't, Docket No. 4717-SO.

i. On December 9, 2014, the Delaware Insurance Commissioner revoked Mitchell's Delaware producer license and fined him $1,000.00 based on her determination that Mitchell violated DEL. CODE tit. 18, § 1719(a). Final Decision and Order, *In the Matter of Mark Sebastian Mitchell*, Del. Dep't of Ins., Case No. 143591.[3]

j. On January 9, 2015, the Washington Insurance Commissioner revoked Mitchell's Washington insurance producer license based on his determinations that Mitchell violated WASH. REV. CODE §§ 48.17.475 and 48.17.597. Order Revoking License, *In the Matter of Mark Sebastian Mitchell*, Wash. Office of the Ins. Comm'r, No. 15-0005.

k. On June 2, 2015, the North Dakota Insurance Commissioner revoked Mitchell's North Dakota nonresident insurance producer license based on his determinations that Mitchell violated N.D. CENT. CODE §§ 26.1-26-15, 26.1-26-42(1), (14), and 26.1-26-45.1. Findings of Fact, Conclusions of Law, and Default Order, *In the Matter of Mark S. Mitchell, NPN 496238*, N.D. Ins. Dep't, Case No. AG-15-532.

l. On June 19, 2015, the Maine Superintendent of Insurance issued an order revoking Mitchell's Maine non-resident insurance producer license based on his determination that Mitchell violated ME. REV. STAT. tit. 24-A, § 1420-P(1). License Revocation, Notice, Order, and Opportunity for Hearing, *In re Mark Sebastian Mitchell*, Me. Dep't of Prof'l & Fin. Regulation, Bureau of Ins., Docket No. INS-15-220.

21. On June 10, 2015, Special Investigator Jodi Lehman of the Consumer Affairs Division of the Department ("Special Investigator Lehman" of the "Division") mailed an inquiry

[3] United States Postal Service electronic tracking information for the certified mail Final Order and Decision sent to Mitchell reflects a delivery date of December 15, 2014.

letter to Mitchell at the business/mailing address he had specified on his 2013 Application[4] by first-class mail, postage prepaid, requesting that Mitchell explain why he failed to report administrative actions ("first inquiry letter").

22. The first inquiry letter cited 20 CSR 100-4.100 and warned that Mitchell's "[f]ailure to respond could result in disciplinary action by this Department."

23. The United States Postal Service did not return the first inquiry letter to the Division as undeliverable; therefore, Mitchell is presumed to have received it.

24. The Division has received no response from Mitchell regarding the first inquiry letter, nor has Mitchell demonstrated reasonable justification for his delay or nonresponse.

25. On July 1, 2015, Special Investigator Lehman mailed another inquiry letter to Mitchell, by the same method and to the same address, requesting the same explanation as the first inquiry letter, and similarly citing 20 CSR 100-4.100 while warning that "[f]ailure to respond could result in disciplinary action by this Department" ("second inquiry letter").

26. The United States Postal Service did not return the second inquiry letter to the Division as undeliverable; therefore, Mitchell is presumed to have received it.

27. The Division has received no response from Mitchell regarding the second inquiry letter, nor has Mitchell demonstrated reasonable justification for his delay or nonresponse.

28. On September 11, 2015, Special Investigator Lehman mailed another inquiry letter to Mitchell by first-class mail, postage prepaid, to the address specified in paragraph 1 above and which Mitchell had provided days earlier on his 2015 Renewal Application, advising Mitchell of the Division's efforts to contact him earlier in the year, requesting the same explanation as the first inquiry letter and second inquiry letter, citing 20 CSR 100-4.100, and warning that "[f]ailure to respond could result in disciplinary action by this Department" ("third inquiry letter").

29. The United States Postal Service did not return the third inquiry letter to the Division as undeliverable; therefore, Mitchell is presumed to have received it.

30. The Division has received no response from Mitchell regarding the third inquiry letter, nor has Mitchell demonstrated reasonable justification for his delay or nonresponse.

31. On October 5, 2015, Special Investigator Lehman mailed two copies of another inquiry letter to Mitchell by first-class mail, postage prepaid, and by United States Postal Service Certified Mail, to the address specified in paragraph 1 above, requesting the same information as the third inquiry letter, citing 20 CSR 100-4.100, and warning that

[4] Specifically, 1370 South Babcock Street, Melbourne, Florida 32901, which also represents the address to which the United States Postal Service had delivered the Delaware administrative order referenced in subparagraph 20(i) above.

"[f]ailure to respond could result in disciplinary action by this Department" ("fourth inquiry letter").

32. The United States Postal Service returned to the Division its Form 3811, Domestic Return Receipt, associated with the Certified Mail copy of the fourth inquiry letter; it indicates delivery on October 16, 2015 and bears the signature of "Mitchell[.]"

33. The Division has received no response from Mitchell regarding the fourth inquiry letter, nor has Mitchell demonstrated reasonable justification for his delay or nonresponse.

34. It is inferable, and hereby found as fact, that Mitchell intentionally failed to disclose his criminal prosecution and the administrative actions in order to misrepresent to the Director that he had no criminal record and had not been involved in administrative proceedings regarding professional licensure, and accordingly to increase the likelihood that the Director would approve of his 2013 Application, 2015 Renewal Application, and 2015 Additional Line Application and grant him the licenses sought.

35. On December 31, 2015, the North Carolina Department of Insurance revoked Mitchell's North Carolina non-resident insurance producer license, finding that Mitchell violated N.C. GEN. STAT. § 58-33-32(k) and finally disposing of its administrative action known as *In the Matter of the Licensure of Mark Sebastian Mitchell*, N.C. Dep't of Ins., Docket No. 1747.

36. Mitchell never reported to the Director the administrative action known as *In the Matter of the Licensure of Mark Sebastian Mitchell*, N.C. Dep't of Ins., Docket No. 1747.

CONCLUSIONS OF LAW

37. Section 375.141, RSMo (Supp. 2013),[5] an insurance law, provides in relevant 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 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;

[5] All civil statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 RSMo Supplement, unless otherwise noted.

* * *

(9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory; [or]

* * *

(14) Failing to comply with any administrative or court order directing payment of state or federal income tax.

* * *

6. An insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent order or other relevant legal documents.

38. Title 20 CSR 100-4.100(2)(A), a regulation of the Director, 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.

39. "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. E.D. 2000) (internal citation omitted).

40. The Director may refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(1) because he intentionally provided materially incorrect, misleading, incomplete, or untrue information on his 2013 Application, 2015 Renewal Application, and 2015 Additional Line Application by falsely answering the application questions concerning his criminal record and history of administrative proceedings and by omitting the documentation required of applicants with criminal records or previous administrative proceedings.

41. Each of Mitchell's false answers and failures to disclose his criminal record and history of administrative proceedings the 2013 Application, 2015 Renewal Application, and 2015 Additional Line Application constitutes separate and sufficient cause for the Director to refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(1).

42. The Director may refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(2) because he violated a regulation of the Director, specifically 20 CSR 100-4.100(2)(A), by failing to respond to four inquiry letters from the Division without reasonable justification.

43. Each inquiry letter regarding which Mitchell failed to respond in violation of 20 CSR 100-4.100(2)(A) constitutes separate and sufficient cause for the Director to refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(2).

44. The Director may refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(2) because he violated an insurance law, specifically § 375.141.6, by failing to report to the Director or provide any relevant legal documents within thirty days of their final disposition each of the following administrative actions taken against him while licensed as an insurance producer in Missouri:

    a. Wisconsin, *In re Mark Sebastian Mitchell*, Wis. Office of the Comm'r of Ins., Case No. 13-C35802 (Nov. 11, 2013);

    b. South Dakota, S.D. Dep't of Labor and Regulation, Div. of Ins. (Dec. 9, 2013);

    c. Louisiana, La. Dep't of Ins. (July 2, 2014);

    d. Iowa, *In the Matter of Mark Sebastian Mitchell*, Iowa Ins. Div., File No. 84468;

    e. California, *In the Matter of the License and Licensing Rights of Mark Sebastian Mitchell*, Cal. Dep't of Ins., File No. LBB 9001-AP;

    f. Kansas, *In the Matter of the Kansas Nonresident Insurance Agent's License of Mark Sebastian Mitchell, NPN 496238*, Kan. Ins. Dep't, Docket No. 4717-SO;

    g. Delaware, *In the Matter of Mark Sebastian Mitchell*, Del. Dep't of Ins., Case No. 143591;

    h. Washington, *In the Matter of Mark Sebastian Mitchell*, Wash. Office of the Ins. Comm'r, No. 15-0005;

    i. North Dakota, *In the Matter of Mark S. Mitchell, NPN 496238*, N.D. Ins. Dep't, Case No. AG-15-532;

    j. Maine, *In re Mark Sebastian Mitchell*, Me. Dep't of Prof'l & Fin. Regulation, Bureau of Ins., Docket No. INS-15-220; and

    k. North Carolina, *In the Matter of the Licensure of Mark Sebastian Mitchell*, N.C. Dep't of Ins., Docket No. 1747.

45. Each administrative action taken against Mitchell which he failed to report in violation of § 375.141.6 constitutes separate and sufficient cause for the Director to refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(2).

46. The Director may refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(3) because he obtained his initial insurance producer license, renewed his insurance producer license, and attempted to obtain a life insurance line of authority license through material misrepresentation or fraud by not disclosing his criminal prosecution and history of administrative proceedings on his 2013 Application, 2015 Renewal Application, and 2015 Additional Line Application.

47. Mitchell's failure to disclose his criminal prosecution and history of administrative proceedings on each of the 2013 Application, 2015 Renewal Application, and 2015 Additional Line Application constitutes separate and sufficient cause for the Director to refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(3).

48. The Director may refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(9) because his insurance producer license, or its equivalent, has been denied, suspended, or revoked in twelve other states, specifically:

    a. Florida, Fla. Dep't of Fin. Servs., Ins. Div., Case No. 42015-01-AG (Jan. 31, 2003);

    b. Wisconsin, *In re Mark Sebastian Mitchell*, Wis. Office of the Comm'r of Ins., Case No. 13-C35802 (Nov. 11, 2013);

    c. South Dakota, S.D. Dep't of Labor and Regulation, Div. of Ins. (Dec. 9, 2013);

    d. Louisiana, La. Dep't of Ins. (July 2, 2014);

    e. Iowa, *In the Matter of Mark Sebastian Mitchell*, Iowa Ins. Div., File No. 84468;

    f. California, *In the Matter of the License and Licensing Rights of Mark Sebastian Mitchell*, Cal. Dep't of Ins., File No. LBB 9001-AP;

    g. Kansas, *In the Matter of the Kansas Nonresident Insurance Agent's License of Mark Sebastian Mitchell, NPN 496238*, Kan. Ins. Dep't, Docket No. 4717-SO;

    h. Delaware, *In the Matter of Mark Sebastian Mitchell*, Del. Dep't of Ins., Case No. 143591;

    i. Washington, *In the Matter of Mark Sebastian Mitchell*, Wash. Office of the Ins. Comm'r, No. 15-0005;

    j. North Dakota, *In the Matter of Mark S. Mitchell, NPN 496238*, N.D. Ins. Dep't, Case No. AG-15-532;

    k. Maine, *In re Mark Sebastian Mitchell*, Me. Dep't of Prof'l & Fin. Regulation, Bureau of Ins., Docket No. INS-15-220; and

    l. North Carolina, *In the Matter of the Licensure of Mark Sebastian Mitchell*, N.C. Dep't of Ins., Docket No. 1747.

49. Each denial, suspension, or revocation of Mark Sebastian Mitchell's insurance producer license, or its equivalent, constitutes separate and sufficient cause for the Director to refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(9).

50. The Director may refuse to issue Mitchell a license for the life insurance line of authority pursuant to § 375.141.1(14) because he has failed to comply with administrative or court orders directing payment of federal income tax for the years 1999, 2000, 2002, 2003, 2004, 2005, and 2006. *See Notice of Federal Tax Lien*, Miami-Dade Co. Cir. Ct., Florida, File No. 03R090300; *Notice of Federal Tax Lien*, Volusia Co. Cir. Ct., Florida, File No. 2007-276963; *Notice of Federal Tax Lien*, Volusia Co. Cir. Ct., Florida, File No. 2009-023464.

51. The Director has considered Mitchell's history and all of the circumstances surrounding Mitchell's 2015 Additional Line Application, including the infirmities of his 2013 Application and 2015 Renewal Application. Issuing Mitchell a license for the life insurance line of authority would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue Mitchell a license for the life insurance line of authority.

52. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the additional line application of **Mark Sebastian Mitchell** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 30th **DAY OF** MARCH**, 2016.**

JOHN M. HUFF
DIRECTOR, Missouri Department of Insurance,
Financial Institutions and Professional Registration

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.

[The remainder of this page intentionally left blank]

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Mark Sebastian Mitchell
2571A Coral Way East
Daytona Beach, Florida 32118-5517

Tracking No. 1Z0R15W84297103435

Kathryn Latimer

Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov