State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
MATTHEW TODD THOMPSON,	)	**Case No. 141217805C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On February 19, 2015, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a non-resident insurance producer license to Matthew Todd Thompson. 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. Matthew Todd Thompson ("Thompson") is a Texas resident with a mailing address of 316 Bolliger Boulevard, Fort Worth, Texas 76108.[1]

2. On July 24, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Thompson's electronic Application for an individual non-resident insurance producer license ("2012 Application").

3. The "Applicant's Certification and Attestation" section of the 2012 Application states, in relevant part:

    1. I hereby certify, under penalty of perjury, that 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.

[1] A computer background check revealed this is as the last known address for Thompson. Thompson listed 308 North Roe Street, White Settleman, Texas 76108 as his address on his most recent applications, but mailings to this address were returned to the Department as "RETURN TO SENDER, UNCLAIMED, UNABLE TO FORWARD."

4. Thompson accepted the "Applicant's Certification and Attestation" section of the 2012 Application.

5. Background Question No. 1 of the 2012 Application asked the following:

   Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

6. Thompson answered "Yes" in response to Background Question No. 1 of the 2012 Application.

7. In August 2012, Thompson submitted documentation to further explain his response to Background Question No. 1. This documentation included: one (1) letter dated August 2, 2012 and court records for Case Nos. 0897310, 2001-2-1600, 2004-1-1270 CR, and 4:04CR00083-003.

8. In Thompson's letter, he disclosed he had been charged or convicted of four (4) crimes: possession of drug paraphernalia in 2002; theft of property in 2003; possession with intent to distribute a controlled substance in 2004; and obstructing a public servant from arrest using force in 2004.

9. In regards to his delay providing the required documentation, Thompson stated, in relevant part:

   The reason I did not put this information down on my original application was that that [sic] the individual assisting me at that time advised me that I did not need to put all of this down in my application as the state would request it later...Needless to say, I should have put all this information down on the application as I learned later.

10. During its investigation, the Consumer Affairs Division ("Division") discovered that Thompson had been convicted or had judgment deferred for seven (7) crimes:

    a. On March 29, 2002, Thompson pled guilty to Possession of Less Than 2 Ounces of Marihuana, a Class B Misdemeanor, in violation of Tex. Health & Safety Code § 481.121(a). The court fined Thompson $600.00. *Texas v. Matthew Todd Thompson*, Grayson Co. Ct., Case No. 2001-2-1600.

    b. On October 21, 2002, Thompson was convicted of Minor in Consumption of Alcohol, a Class C Misdemeanor, in violation of Tex. Alco. Bev. Code Ann. § 106.04(a). *Texas v. Matthew Todd Thompson*, Grayson Co. Ct., Case No. 7200JP8.

c. On July 18, 2003, Thompson was convicted of Possession of Drug Paraphernalia, a Class C Misdemeanor, in violation of Tex. Health & Safety Code § 481.125(a). *Texas v. Matthew Todd Thompson*, Grayson Co. Ct., Case No. 8326JP8.

d. On February 11, 2004, Thompson pled guilty to Theft, a Class B Misdemeanor, in violation of Tex. Penal Code § 31.03(a). The court deferred adjudication and placed Thompson on Community Supervision for twelve (12) months. *Texas v. Matthew Todd Thompson*, Tarrant Co. Crim. Ct., Case No. 0897310.

e. On June 1, 2005, Thompson pled guilty to Possession of Methamphetamine with Intent to Distribute, a Class B Felony, in violation of 21 U.S.C. § 841(a)(1). The court sentenced Thompson to seventy (70) months' incarceration and placed Thompson on supervised probation for four (4) years. *U.S. v. Matthew Thompson*, U.S. Dist. Ct. (E.D. Texas), Case No. 4:04CR00083-003.

f. On October 21, 2005, Thompson pled guilty to Resisting Arrest, Search, or Transportation, a Class A Misdemeanor, in violation of Tex. Penal Code § 38.03(a). The court sentenced Thompson to forty-five (45) days' incarceration, to be served concurrently with the sentence entered in Case No. 4:04CR00083-003. *Texas v. Matthew Todd Thompson*, Grayson Co. Ct., Case No. 2004-1-1270 CR.

g. On June 11, 2007, Thompson was convicted of Possession of Drug Paraphernalia, a Class C Misdemeanor, in violation of Tex. Health & Safety Code § 481.125(a). *Texas v. Matthew Todd Thompson*, Grayson Co. Ct., Case No. 7199JP8.

11. On November 2, 2012, Thompson signed a Voluntary Application Withdrawal Form to withdraw his 2012 Application.

12. On November 4, 2013, the Department received Thompson's electronic Application for an individual non-resident insurance producer license ("November 2013 Application").

13. The "Applicant's Certification and Attestation" section of the November 2013 Application states, in relevant part:

    1. I hereby certify, under penalty of perjury, that 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.

14. Thompson accepted the "Applicant's Certification and Attestation" section of the November 2013 Application.

15. Background Question No. 1 of the November 2013 Application asked the following:

    Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

16. Thompson answered "No" in response to Background Question No. 1 of the November 2013 Application.

17. On December 13, 2013, the Department received Thompson's electronic Application for an individual non-resident insurance producer license ("December 2013 Application").

18. The "Applicant's Certification and Attestation" section of the December 2013 Application states, in relevant part:

    1. I hereby certify, under penalty of perjury, that 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.

19. Thompson accepted the "Applicant's Certification and Attestation" section of the December 2013 Application.

20. Background Question No. 1 of the December 2013 Application asked the following:

    Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

21. Thompson answered "No" in response to Background Question No. 1 of the December 2013 Application.

22. On January 14, 2014, the South Dakota Department of Labor and Regulation ("South Dakota") sent Thompson a letter by certified mail denying his application for an insurance producer license ("First South Dakota Denial").

    a. The letter listed the following reasons for denial:

i. Submitting an incomplete application that lacked the required attachments;

ii. Having been convicted of a felony; and

iii. Attempting to obtain a license through misrepresentation or fraud.

b. The First South Dakota Denial informed Thompson that he may make a written request within thirty (30) days for a hearing.

c. Thompson failed to make a written request for a hearing on the First South Dakota Denial. Therefore, the First South Dakota Denial became final and non-appealable on February 13, 2014.

In re: Matthew Thompson, Application for Insurance Producer License, Letter Denying South Dakota License Application.

23. On October 31, 2014, South Dakota sent Thompson a letter by certified mail denying his application for an insurance producer license ("Second South Dakota Denial").

a. The letter listed the following reasons for denial:

i. Submitting an incomplete application that lacked the required attachments;

ii. Having been convicted of a felony; and

iii. Attempting to obtain a license through misrepresentation or fraud.

b. The Second South Dakota Denial informed Thompson that he may make a written request within thirty (30) days for a hearing.

c. Thompson failed to make a written request for a hearing on the Second South Dakota Denial. Therefore, the Second South Dakota Denial became final and non-appealable on December 1, 2014.

In re: Matthew Thompson, Application for Insurance Producer License, Letter Denying South Dakota License Application.

24. It is inferable, and is hereby found as fact, that Thompson failed to disclose his criminal history on his November 2013 Application in order to misrepresent to the Director that he had no criminal history, and accordingly, in order to improve the chances that the Director would approve his November 2013 Application and issue

him an individual non-resident insurance producer license. This inference is supported by the fact that when Thompson previously applied in July 2012, he not only marked "Yes" to the criminal background question but admitted in his August 2012 letter to the Department that he "should have put all this information [regarding his criminal history documentation] down on the" 2012 Application.

25. It is inferable, and is hereby found as fact, that Thompson failed to disclose his criminal history on his December 2013 Application in order to misrepresent to the Director that he had no criminal history, and accordingly, in order to improve the chances that the Director would approve his December 2013 Application and issue him an individual non-resident insurance producer license. This inference is supported by the fact that when Thompson previously applied in July 2012, he not only marked "Yes" to the criminal background question but admitted in his August 2012 letter to the Department that he "should have put all this information [regarding his criminal history documentation] down on the" 2012 Application.

CONCLUSIONS OF LAW

26. Section 375.141 RSMo (Supp. 2013)[2] 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:
>
> (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;
>
> * * *
>
> (3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;
>
> * * *
>
> (6) Having been convicted of a felony or crime involving moral turpitude; [or]
>
> * * *
>
> (9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory[.]

27. The principal purpose of § 375.141 is not to punish licensees or applicants, but to

[2] All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement, unless otherwise indicated.

protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

28. The Director may refuse to issue an individual non-resident insurance producer license to Thompson under § 375.141.1(1) because Thompson intentionally provided materially incorrect, misleading, incomplete or untrue information in the license application when he failed to disclose his criminal history, in response to Background Question No. 1 on his November 2013 Application.

29. The Director may refuse to issue an individual non-resident insurance producer license to Thompson under § 375.141.1(1) because Thompson intentionally provided materially incorrect, misleading, incomplete or untrue information in the license application when he failed to disclose his criminal history, in response to Background Question No. 1 on his December 2013 Application.

30. Each instance in which Thompson intentionally provided materially incorrect, misleading, incomplete or untrue information in the license application is a separate and sufficient cause for refusal under § 375.141.1(1).

31. The Director may refuse to issue an individual non-resident insurance producer license to Thompson under § 375.141.1(3) because Thompson attempted to obtain a license through material misrepresentation or fraud by failing to disclose his criminal history on his November 2013 Application.

32. The Director may refuse to issue an individual non-resident insurance producer license to Thompson under § 375.141.1(3) because Thompson attempted to obtain a license through material misrepresentation or fraud by failing to disclose his criminal history on his December 2013 Application.

33. Each attempt to obtain a license through material misrepresentation or fraud is a separate and sufficient cause for refusal under § 375.141.1(3).

34. The Director may refuse to issue an individual non-resident insurance producer license to Thompson under § 375.141.1(6) because Thompson has been convicted of a felony:

    a. *U.S. v. Matthew Thompson*, U.S. Dist. Ct. (E.D. Texas), Case No. 4:04CR00083-003 (Possession of Methamphetamine with Intent to Distribute, a Class B Felony).

35. The Director may refuse to issue an individual non-resident insurance producer license to Thompson under § 375.141.1(9) because Thompson had an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory when South Dakota twice denied his applications for an insurance producer license.

36. Each denial, suspension or revocation of an insurance producer license, or its equivalent, in any other state, province, district or territory is a separate and sufficient cause for refusal under § 375.141.1(9).

37. The Director has considered Thompson's history and all of the circumstances surrounding Thompson's December 2013 Application. Granting Thompson an individual non-resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue an individual non-resident insurance producer license to Thompson

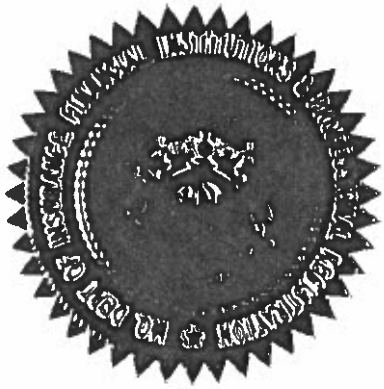
38. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the December 2013 individual non-resident insurance producer license application of **Matthew Todd Thompson** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 26th **DAY OF** February**, 2015.**



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 27th day of February, 2015, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following addresses:

Matthew Todd Thompson
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Fort Worth, Texas 76108

No. 1Z0R15W84299203565

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