State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
	)	Case No. 120920538C
STACEY M. MARSH	)	
(a/k/a STACEY M. MEDLOCK	)	
a/k/a STACEY M. FINLEY),	)	
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On October 10, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Stacey M. Marsh. 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. Stacey M. Marsh, a/k/a Stacey M. Medlock a/k/a Stacey M. Finley ("Marsh") is an individual residing in Missouri, whose residential address of record is 341 Cap Au Gris Street, Troy, Missouri 63379.

2. On or about May 23 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a Uniform Application for Individual Insurance Producer License ("Application") from Marsh.

3. In the section of the Application headed "Background Questions," Background Question # 1 asks, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"

4. Marsh answered "Yes" to Background Question # 1, and disclosed multiple convictions, including two felonies, as follows:

a. On December 28, 1994, Marsh pled guilty to Stealing, a Class A Misdemeanor, in violation of §570.030 RSMo 1986. The court sentenced Marsh to five days incarceration in jail. *State v. Stacey M. Medlock*, Cole Co. Cir. Ct., Case No. 19CR03941798.

b. On December 29, 1994, Marsh pled guilty to Possession of Controlled Substance, a Class C Felony, in violation of §195.202 RSMo Supp. 1994. In March 1995, the court suspended the imposition of sentence and ordered that March complete five years' probation. In December 1995, the court sentenced Marsh to five years imprisonment after Marsh violated probation. The court suspended the remainder of Marsh's sentence in April 1996 after she completed a 120-day shock incarceration. Marsh again violated probation in 1997 and the court ordered that she complete three years' incarceration with the Missouri Department of Corrections. *State v. Stacey M. Medlock*, Cole Co. Cir. Ct., Case No. 19CR03941325-01.

c. On May 18, 1995, Marsh pled guilty to Stealing, a Class A Misdemeanor, in violation of §570.030 RSMo 1994. The court sentenced Marsh to five days' incarceration in jail. *State v. Stacey M. Medlock*, Cole Co. Cir. Ct., Case No. 19CR03950360.

d. On March 23, 1999, Marsh pled guilty to Unlawful Use of Drug Paraphernalia, a Class A Misdemeanor, in violation of §195.233 RSMo 1994. The court sentenced Marsh to 30 days' incarceration, but suspended the execution of that sentence. *State v. Stacey M. Finley*, Cole Co. Cir. Ct., Case No. 19CR03983492.

e. On August 1, 2000, the court found Marsh guilty of Possession of Up to 35 Grams Marijuana, a Class A Misdemeanor, in violation of §195.202 RSMo 1994. The court sentenced Marsh to four days' incarceration in jail. *State v. Stacey M. Finley*, Cole Co. Cir. Ct., Case No. 00CR323183.

f. On August 1, 2000, the court found Marsh guilty of Possession of Up to 35 Grams Marijuana, a Class A Misdemeanor, in violation of §195.202 RSMo 1994. The court sentenced Marsh to five days' incarceration in jail. *State v. Stacey M. Finley*, Cole Co. Cir. Ct., Case No. 00CR323613.

g. May 28, 2004, Marsh pled guilty to 1st Degree Trespass, a Class B Misdemeanor, in violation of §569.140 RSMo 2000, and 2nd Degree Property Damage, a Class B Misdemeanor, in violation of §569.120

RSMo 2000. The court sentenced Marsh to five days' incarceration for each count, sentences to run concurrently. *State v. Stacey M. Finley*, Callaway Co. Cir. Ct., Case No. 04CR165022.

h. On August 4, 2005, Marsh pled guilty to Unlawful Use of Drug Paraphernalia, a Class A Misdemeanor, in violation of §195.233 RSMo 2000. The court ordered Marsh to pay a $100.00 fine. *State v. Stacey M. Finley*, Callaway Co. Cir. Ct., Case No. 05CWCR00942.

i. July 3, 2006, Marsh pled guilty to two counts of Possession With Intent to Distribute a Controlled Substance, a Class B Felony, in violation of §195.211 RSMo (Supp. 2005). The court sentenced Marsh to five years' and six years' incarceration, respectively, on each count with the sentences to run concurrently. *State v. Stacey Finley*, Callaway Co. Cir. Ct., Case No. 06CW-CR00517.

CONCLUSIONS OF LAW

5. Section 375.141.1 RSMo (Supp. 2011), 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:
>
> * * *
>
> (6) Having been convicted of a felony or crime involving moral turpitude[.]

6. The principal purpose of §375.141 is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. 1984).

7. Moral turpitude has been defined as "an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty, and good morals'." *In Re Frick*, 694 S.W.2d 473, 479 (Mo. 1985). Crimes which involve moral turpitude include crimes involving violations of narcotics laws. *Id.*

8. Marsh may be refused an insurance producer license pursuant to §375.141.1(6) RSMo (Supp. 2011), because she was convicted of three

felonies.

a. *State v. Stacey M. Medlock*, Cole Co. Cir. Ct., Case No. 19CR03941325-01 (felony possession of a controlled substance); and

b. *State v. Stacey Finley*, Callaway Co. Cir. Ct., Case No. 06CW-CR00517 (two counts felony possession with intent to distribute).

9. Marsh additionally may be refused under §375.141.1(6) RSMo (Supp. 2011), because she was convicted of crimes involving moral turpitude, including stealing, felony drug possession, and felony drug possession with intent to distribute.

a. *State v. Stacey M. Medlock*, Cole Co. Cir. Ct., Case No. 19CR03941798 (stealing); *State v. Stacey M. Medlock*, Cole Co. Cir. Ct., Case No. 19CR03950360 (stealing); *Mendoza v. Holder*, 623 F.3d 1299, 1234 (9th Cir. 2010) citing *Bartos v. U.S. Dist. Ct.*, 19 F.2d 722, 724 (8th Cir. 1927) ("theft, whether it be grand or petit larceny[,] involves moral turpitude.");

b. *State v. Stacey M. Medlock*, Cole Co. Cir. Ct., Case No. 19CR03941325-01 (felony drug possession); *Office of Tattooing, Body Piercing & Branding v. Ingram*, No. 11-0659 TP (Mo. Admin. Hrg. Comm'n August 8, 2012) citing *In re Shunk*, 847 S.W.2d 789, 791 (Mo. banc 1993) ("... nearly every court that has addressed the question has concluded that a felony conviction for possession of narcotics is a crime of moral turpitude[.]"); and

c. *State v. Stacey Finley*, Callaway Co. Cir. Ct., Case No. 06CW-CR00517 (two counts felony possession with intent to distribute); *Hoelscher v. Director of Dep't of Ins., Fin. Insts. & Prof'l Reg'n*, No. 09-1186 DI (Mo. Admin. Hrg. Comm'n Nov. 2, 2009) citing *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985) ("Courts invariably find moral turpitude in the violation of narcotics laws.").

10. Marsh has been convicted of multiple felonies of crimes involving moral turpitude. The Director has considered Marsh's history and all of the circumstances surrounding Marsh's Application for licensure and exercises his discretion in refusing to grant Marsh's resident insurance producer license.

11. Granting Marsh's resident insurance producer license would not be in the public interest.

12. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of **STACEY M. MARSH** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 15TH DAY OF OCTOBER, 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 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 16th day of October, 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 addresses:

Stacey M. Marsh
341 Cap Au Gris Street
Troy, Missouri 63379

Certified No. 7009 3410 0001 9255 5771

Kathryn Randolph
Paralegal
Missouri Department of Insurance,
Financial Institutions and Professional
Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email:
kathryn.randolph@insurance.mo.gov