



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:)
)
Michael C. Norris,) Case No. 12-0620451C
Applicant.)

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On October 16, 2012, Carolyn H. Kerr, Legal Counsel and Counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Michael C. Norris. 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. Michael C. Norris ("Norris") is an individual residing in Missouri.
2. On or about March 14, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Norris' Uniform Electronic Application for Individual Producer License ("Application").
3. In his Application, Norris listed his residential, business, and mailing address as 16906 Hemlock Ln., St. Robert, Missouri 65584.
4. Following multiple requests for additional information by the Department's Licensing Section, Norris' Application was finalized on or about March 28, 2012.
5. In completing the Application, Norris attested under penalty of perjury to the truthfulness and completeness of the information he provided in the Application, including his answers to the questions in the section relating to the applicant's criminal history ("Background Questions").
6. In the section of Application headed "Background Questions," Background Question No. 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?"
7. The Application defines "crime" to include "a misdemeanor, a felony, or a military offense." It goes on to state that the applicant "may exclude misdemeanor traffic citations and misdemeanor convictions or pending misdemeanor charges involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless

driving, or driving with a suspended or revoked license and juvenile offenses.”

8. The Application explains that “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.”

9. Norris answered “Yes” to Background Question No. 1.

10. As part of his Application, Norris provided the following documents:

- a. A handwritten letter, dated March 24, 2012, in which he explained the circumstances of his property damage charge and stated that those “charges were dropped;”
- b. In another handwritten letter, Norris stated that his “civil cases are due to a bad business deal,” and that he has “no felony convictions at all;”
- c. A copy of the Nolle Prosequi filing in *State of Missouri v. Michael C. Norris*, Pulaski Co. Cir. Ct., Case No. 09PU-CR00912; and
- d. A copy of the Complaint filed in the Circuit Court of Pulaski County, Missouri on December 23, 2004, in *State of Missouri v. Michael C. Norris*, Case No. 09PU-CR00912, alleging the Class D Felony of Property Damage in the First Degree.

11. E.J. Jackson, Investigator for the Consumer Affairs Division, sent Norris a letter, dated April 23, 2012, requesting information about additional criminal convictions that had not been disclosed with Norris’ Application. The letter requested “a detailed explanation regarding the circumstances surrounding the crime(s),” and asked Norris to “provide a certified copy of the Information/Indictment, Plea Agreement (if applicable), and Judgment & Sentence.”

12. On or about May 14, 2012, Norris provided the following documents to Jackson in response to his April 23, 2012 letter:

- a. A handwritten letter generally explaining his past behavior and asking for “the chance to have my career with AFLAC;”
- b. Another handwritten letter explaining the circumstances behind his 1994 conviction and explaining his current life circumstances;
- c. The Criminal Docket Sheets, Information in a Misdemeanor Case, Count II, Sentence and Judgment, the Original Special Conditions of Probation, and the Probation Revocation entered in *State of Missouri v. Michael C. Norris*, Cape Girardeau Co. Cir. Ct., Case No. CR0598-000486FX;

- d. The Criminal Docket Sheet, Information in a Felony Case, the Sentence and Judgment entered against Norris on March 6, 1997, the Sentence and Judgment entered against Norris on June 8, 1998, and the Probation Revocation entered in *State of Missouri v. Michael C. Norris*, Cape Girardeau Co. Cir. Ct., Case No. CR0595-000244FX.

13. On May 3, 1994, a Complaint charged Norris with the Class A Felony of Forcible Sodomy and the Class D Felony of 1st Degree Sexual Abuse. An Information in a Misdemeanor Case, filed on June 17, 1994, amended those charges to include only a Class B Misdemeanor of Sexual Abuse in the 3rd Degree, in violation of § 566.120, RSMo (1994). *State of Missouri v. Michael C. Norris*, Case No. CR0598-000486FX.

14. On August 8, 1994, Norris pled guilty to the Class B Misdemeanor of Sexual Abuse in the 3rd Degree, and the court entered its Sentence and Judgment sentencing Norris to six months incarceration in the Cape Girardeau County Jail. The court suspended the execution of Norris' sentence, required him to serve 10 days of "shock detention" in the county jail, pay court costs, and placed him on unsupervised probation for a period of two years. *State of Missouri v. Michael C. Norris*, Case No. CR0598-000486FX.

15. Section 566.120, RSMo (Supp. 1993), states as follows:

1. A person commits the crime of sexual abuse in the third degree if he subjects another person to whom he is not married to sexual contact without that person's consent.
2. Sexual abuse in the third degree is a class B misdemeanor unless in the course thereof the actor displays a deadly weapon in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class A misdemeanor

16. On March 1, 1995, a Complaint charged Norris with the Class D Felony of Passing a Bad Check Over \$150. An Information in a Felony Case was later filed on October 2, 1996, alleging the Class D Felony of Passing a Bad Check Over \$150, in violation of § 570.120, RSMo (1994). That Information was subsequently amended to change the charge from a Class D Felony to a Class A Misdemeanor. *State of Missouri v. Michael C. Norris*, Case No. CR0595-000244FX.

17. Norris pled guilty to the amended charge of the Class A Misdemeanor of Passing a Bad Check under \$150, and the court entered its Sentence and Judgment on or about March 5, 1997. The court suspended the imposition of sentence and placed Norris on supervised probation for a period of two years. It also ordered Norris to pay court costs and restitution within one year of his sentencing. *State of Missouri v. Michael C. Norris*, Case No. CR0595-000244FX.

18. Section 570.120, RSMo (1994) states, in pertinent part, as follows:

1. A person commits the crime of passing a bad check when:
 - (1) With purpose to defraud, he makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or
 - (2) He makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in his account or that there is no such account or no drawee and fails to pay the check or sight order within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

* * *

4. Passing bad checks is a class A misdemeanor, unless:
 - (1) The face amount of the check or sight order or the aggregated amounts is one hundred fifty dollars or more[.]

19. On June 8, 1998, the court in *State of Missouri v. Michael C. Norris*, Case No. CR0595-000244FX, revoked Norris' probation for failure to pay court costs and ordered "the previously suspended imposition of sentence revoked." Based on that probation revocation, the court entered a Sentence and Judgment, sentencing Norris to six months in the Cape Girardeau County jail to be served concurrently with Case No. CR0598-000486FX.

20. On June 8, 1998, the court also revoked Norris' probation in *State of Missouri v. Michael C. Norris*, Case No. CR0598-000486FX for his failure to pay court costs, as required by the "Original Special Conditions of Probation" entered in that case and ordered the sentence previously imposed in Case No. CR0598-000486FX be executed, but to run concurrently with Case No. CR0595-000244FX. Norris was given credit for time served on his conviction in Case No. CR0598-000486FX.

21. On August 24, 2005, a grand jury indicted Norris for "Domestic Violence ... in violation of Section 2919.25(A) of the Revised Code of Ohio, a felony of the fourth degree." On October 24, 2005, Norris pled guilty to the amended charge of Domestic Violence, a first degree misdemeanor. The court accepted his plea and entered a judgment against Norris on November 30, 2005. The court suspended Norris' sentence and ordered him placed on supervised probation for two years. The Judgment Entry Sentencing Defendant, Suspending Sentence, and Granting Probation was filed on December 8, 2005. *State of Ohio v. Michael Christopher Norris*, Court of Common Pleas, Clermont County, Ohio, Case No. 05-CR-00538.

22. On August 29, 2006, the court entered a Judgment Entry Finding Probation Violation and Revoking Probation against Norris. It remanded Norris to the Clermont County Jail for six months. *State of Ohio v. Michael Christopher Norris*, Case No. 05-CR-00538.

23. Section 2919.25 of the Revised Code of Ohio, states, in relevant part as follows:

(A) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

* * *

(D)(1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided in divisions (D)(2) to (6) of this section.

(2) Except as otherwise provided in divisions (D)(3) to (5) of this section, ... a violation of division (A) or (B) of this section is a misdemeanor of the first degree[.]

24. Norris did not disclose the conviction or the probation violation in *State of Ohio v. Michael Christopher Norris*, Case No. 05-CR-00538 on his Application or in response to Jackson's April 23, 2012 letter.

25. In the section of Application headed "Background Questions," Background Question No. 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?"

26. Norris answered "No" to Background Question No. 4.

27. On November 2, 2011, the Missouri Department of Revenue, Taxation Division ("Department of Revenue"), filed a Certificate of Tax Lien in the Circuit Court of Pulaski County, Missouri, against Norris alleging a total tax liability balance due of \$2,019.57 for the taxable period of January 1, 2011 through March 31, 2011. The court entered judgment against Norris on the same day, finding that Norris owed an estimated amount of \$2,019.57 in past due "sales and/or use tax, interest, additions to tax, penalties, and fees." *Director of Revenue v. Michael Norris*, Case No. 11PU-MC00710.

28. On January 20, 2012, the Department of Revenue filed a Certificate of Tax Lien in the Circuit Court of Pulaski County, Missouri, against Norris alleging a total tax liability balance due of \$2,018.23 for the taxable period of April 1, 2011 through June 30, 2011. The court entered judgment against Norris on the same day, finding that Norris owed an estimated amount of \$2,018.23 in past due "sales and/or use tax, interest, additions to tax, penalties, and fees." *Director of Revenue v. Michael Norris*, Case No. 12PU-MC00058.

29. Norris did not disclose the tax lien judgments entered against him when he submitted his Application to the Department in March 2012.

30. Norris made incomplete statements on his Application for the purpose of misleading the Department into granting him an insurance producer license in Missouri.

CONCLUSIONS OF LAW

31. Section 375.141¹ 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[.]

32. The dictionary definition of "material" is "having real importance or great consequences[.]" MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 765 (11th ed. 2004). *Director, Dept. of Insurance, Financial Institutions and Professional Registration v. Mary Shan Phillock*, No. 12-0072 DI (Mo. Admin. Hrg. Comm'n, May 21, 2012).

33. "A misrepresentation is a falsehood or untruth made with the intent of deceit rather than inadvertent mistake." *State Bd. of Cosmetology v. Eddings-Schapeler*, No. 05-0288 CS (Mo. Admin. Hrg. Comm'n, June 29, 2006), citing *Hernandez v. State Bd. of Regis'n for Healing Arts*, 936 S.W.2d 894, 899 n.3 (Mo.App. W.D. 1997).

34. 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).

CAUSE FOR ORDER REFUSING TO ISSUE INDIVIDUAL PRODUCER LICENSE

35. The Director may refuse to issue an insurance producer license to Norris pursuant to § 375.141.1(1) because he intentionally provided materially incorrect, misleading incomplete or untrue information in his Application, for the following reasons:

a. Norris intentionally provided materially incorrect, misleading, incomplete or untrue information in his Application when he failed to include information

¹ All statutory references are to RSMo (Supp. 2011) unless otherwise indicated.

about his conviction in *State of Ohio v. Michael Christopher Norris*, Case No. 05-CR-00538, when he submitted his Application to the Department; and

b. Norris intentionally provided materially incorrect, misleading, incomplete or untrue information in his Application when he failed to include information about the tax lien judgments entered against him on November 2, 2011, and January 20, 2012, when he submitted his Application to the Department in March 2012.

36. The Director may refuse to issue an insurance producer license to Norris pursuant to § 375.141.1(3) because he attempted to obtain a license through material misrepresentation or fraud, for the following reasons:

a. Norris intentionally provided materially incorrect, misleading, incomplete or untrue information in his Application when he failed to include information about his conviction or probation violation in *State of Ohio v. Michael Christopher Norris*, Case No. 05-CR-00538, when he submitted his Application to the Department; and

b. Norris intentionally provided materially incorrect, misleading, incomplete or untrue information in his Application when he failed to include information about the tax lien judgments entered against him on November 2, 2011 and January 20, 2012, when he submitted his Application to the Department in March 2012.

37. The Director may refuse to issue an insurance producer license to Norris pursuant to § 375.141.1(6) because he was convicted of crimes that can be characterized as crimes of moral turpitude, namely the following:

a. On August 8, 1994, Norris pled guilty to the Class B Misdemeanor of Sexual Abuse in the 3rd Degree. *State of Missouri v. Michael C. Norris*, Case No. CR0598-000486FX;

b. On March 5, 1997, Norris pled guilty to the amended charge of the Class A Misdemeanor of Passing a Bad Check under \$150. Although the court initially suspended the imposition of sentence and placed Norris on supervised probation, it later revoked Norris' probation and sentenced him to six months in jail. *State of Missouri v. Michael C. Norris*, Case No. CR0595-000244FX; and

c. On October 24, 2005, Norris pled guilty to Domestic Violence, a first degree misdemeanor. Although the court initially suspended Norris' sentence and ordered him placed on supervised probation, it later revoked Norris' probation and sentenced him to six months in jail. *State of Ohio v. Michael Christopher Norris*, Case No. 05-CR-00538.

38. Therefore, in applying his discretion, the Director has considered all of the facts and circumstances surrounding Norris' Application for licensure and, for all of the reasons given in this Order, exercises his discretion in refusing to grant Norris' license.

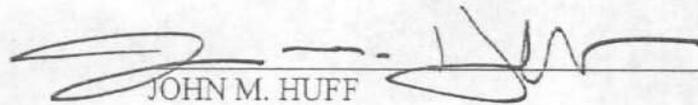
39. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license of MICHAEL C. NORRIS is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 22ND DAY OF OCTOBER, 2012.


JOHN M. HUFF
DIRECTOR



NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

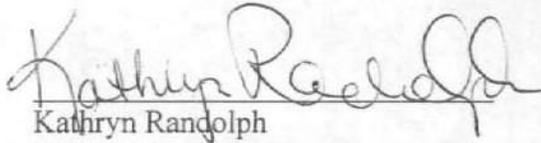
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri within (30) days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 23rd day of October, 2012, a copy of the foregoing notice and order was served upon Michael C. Norris in this matter by U.S. mail, postage pre-paid and by certified mail at the following address:

Michael C. Norris
16906 Hemlock Ln.
St. Robert, Missouri 65584

Certified Mail # 7009 3410 0001 9255 5795



Kathryn Randolph
Missouri Department of Insurance,
Financial Institutions and Professional Registration
P.O. Box 690
Jefferson City, Missouri 65102
Telephone: (573) 751-2619