State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
PAULA J. MATTESON,	)	**Case No. 150707358C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On October 22, 2015, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse to issue an insurance producer license to Paula J. Matteson. 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. Paula J. Matteson ("Matteson") is a Missouri resident with a mailing address of 1427 North East Vivon, Apartment 34, Kansas City, Missouri 64118.

2. On March 3, 2015, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Matteson's completed electronic application for an individual resident title insurance producer license ("Application").

3. Matteson's Application was submitted by Kenneth Nickel ("Nickel"), an Authorized Submitter.

4. By submitting the Application on Matteson's behalf, Nickel certified as follows:

   "As the authorized submitter, I declare that the applicant provided all the information submitted on this application."

5. The "Attestation" section of the 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.

6. Matteson accepted the "Attestation" section of the Application.

7. Background Question No. 2 of the Application asked the following:

Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration 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 administration 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 or the act of withdrawing an application to avoid a denial. INCLUDE any business so named because of your actions in your capacity as an owner, partner, officer or director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee. 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. Matteson answered "no" in response to Background Question No. 2 on her Application.

9. Contrary to Matteson's answer, on May 3, 2012, the Wisconsin Office of the Commissioner of Insurance revoked Matteson's Wisconsin insurance agent license after finding that Matteson owed delinquent taxes to the state of Wisconsin, and that on that basis, her license was subject to revocation. *In the Matter of Paula J. Matteson*, Order of Revocation, Case No. 12-C34483.

10. Matteson did not appeal the Wisconsin Order of Revocation.

11. After reviewing Matteson's Application and record, Special Investigator Marjorie Thompson ("Thompson") sent an inquiry letter dated March 23, 2015 to Matteson.[1]

[1] The March 23, 2015 inquiry letter was sent to an address Matteson provided to Thompson via the phone on March 20, 2015.

This inquiry letter asked Matteson why she failed to disclose the revocation of her Wisconsin insurance agent license on her Application and asked Matteson to provide further details on her current employment. The letter informed Matteson that "[p]ursuant to 20 CSR 100-4.100(2)(A), [her] response is due twenty days from the postmark of this letter, or by April 12, 2015" and further warned that "[f]ailure to respond could result in disciplinary action."

12. The United States Postal Service did not return the March 23, 2015 inquiry letter to the Division, and therefore it is presumed received by Matteson.

13. Matteson failed to provide a written response to the Division's March 23, 2015 letter by April 12, 2015, and failed to demonstrate a reasonable justification for the delay.

14. Thompson sent another inquiry letter to Matteson, dated April 17, 2015. This inquiry letter asked Matteson why she failed to disclose the revocation of her Wisconsin insurance agent license and to provide further details on her current employment. The letter informed Matteson that "[p]ursuant to 20 CSR 100-4.100(2)(A) [her] response is due twenty days from the postmark of this letter" and further warned that "[f]ailure to respond could result in disciplinary action."

15. The United States Postal Service did not return the April 17, 2015 inquiry letter to the Division, and therefore it is presumed received by Matteson.

16. Matteson failed to provide a written response to the Division's April 17, 2015 letter by May 7, 2015, and failed to demonstrate a reasonable justification for the delay.

17. It is inferable, and hereby found as fact, that Matteson failed to disclose the revocation of her Wisconsin insurance agent license on her Application in order to misrepresent to the Director that she had no history of administrative actions, and accordingly, in order to improve the chances that the Director would approve her Application and issue her an individual resident insurance producer license.

CONCLUSIONS OF LAW

18. 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:

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

(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;

* * *

(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.

19. 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.

20. "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).

21. The Director may refuse to issue an insurance producer license to Matteson under § 375.141.1(1) because Matteson intentionally provided materially incorrect, misleading, incomplete or untrue information in a license application when she failed to disclose the revocation of her Wisconsin insurance agent license in response to Background Question No. 2 on her Application.

22. The Director may refuse to issue an insurance producer license to Matteson under § 375.141.1(2) because she failed to respond to two inquiry letters from the Division and failed to provide reasonable justifications for the delays, thereby twice violating

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

23. Each instance in which Matteson violated a regulation of the Director is a separate and sufficient ground for refusal pursuant to § 375.141.1(2).

24. The Director may refuse issue an insurance producer license to Matteson under § 375.141.1(3) because Matteson attempted to obtain a license through material misrepresentation or fraud when she failed to disclose the revocation of her Wisconsin insurance agent license in response to Background Question No. 2 on her Application.

25. The Director may refuse to issue an insurance producer license to Matteson under § 375.141.1(9) because Matteson had an insurance producer license, or its equivalent, denied, suspended or revoked in another state, namely Wisconsin. *In the Matter of Paula J. Matteson*, Order of Revocation, Case No. 12-C34483.

26. The Director may refuse to issue an insurance producer license to Matteson under § 375.141.1(14) because Matteson failed to comply with an administrative order directing payment of Wisconsin state income tax. *Id.*

27. The Director has considered Matteson's history and all of the circumstances surrounding Matteson's Application. Accordingly, the Director exercises his discretion to refuse to issue Matteson an insurance producer license.

28. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that **Paula J. Matteson's** insurance producer license application of is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 23rd **DAY OF** October**, 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 26th day of October, 2015, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, signature required, to the following address:

Paula J. Matteson
1427 North East Vivon, Apt 34
Kansas City, Missouri 64118

Tracking No. 1Z0R15W84295080642

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