State of Missouri

Department of Insurance, Financial Institutions & Professional Registration

IN RE:	)	
	)	Case No. 100512451C
Judy Lee Patt,	)	
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE NON-RESIDENT INSURANCE PRODUCER LICENSE

On May 25, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a non-resident insurance producer license to Judy Lee Patt. 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. Judy Lee Patt ("Patt") is an individual residing in California, with a business and mailing address of record of 6221 N. West Lane, Stockton, California 95210, and a residential address of 3591 Quail Lakes Drive, Stockton, California 95207.

2. On October 21, 2008, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a non-resident insurance producer license application submitted by Patt ("Application").

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

4. Background Question #1A asks "If you have a felony conviction, have you applied for a waiver as required by 18 USC 1033?" Background Question #1B asks "If so, was that waiver granted? (attach copy of 1033 waiver approved by home state.)"

5. Patt answered "No" to Background Question #1, and answered "N/A" to Background Questions #1A and #1B.

6. Contrary to Patt's answers, Patt had received a 1033 waiver in California.

7. On October 28, 2008, Special Investigator Dana Whaley ("Whaley") mailed a letter by first class mail to Patt's residential address of record requesting an explanation of why Patt would request a 1033 waiver in California, but not in Missouri. Whaley received no response to the October 28, 2008 letter. The October 28, 2008 letter was not returned as undeliverable.

8. On December 2, 2008, Whaley mailed a second letter by first class mail to Patt's business and residential addresses of record, requesting an explanation of why Patt would request a 1033 waiver in California, but not in Missouri. Whaley received no response to the December 2, 2008 letter. The December 2, 2008 letter was not returned as undeliverable.

9. Patt has failed to respond to any attempted correspondence from the Department and has offered no justification for her failures to respond.

10. The Colorado Division of Insurance denied Patt's application for a Colorado insurance producer license, or its equivalent. *License Denial Letter*, November 28, 2008, Colorado Department of Regulatory Affairs, Division of Insurance, Case File No. 216499.

11. The Wisconsin Commissioner of Insurance denied Patt's application for a Wisconsin insurance producer license, or its equivalent. *License Denial Letter*, March 3, 2009, State of Wisconsin, Office of the Commissioner of Insurance, Case No. 09-C32012.

12. The District of Columbia Department of Insurance, Securities and Banking revoked Patt's insurance producer license, or its equivalent. *In the Matter of District of Columbia Dept. of Ins., Securities & Banking v. Judy Lee Patt*, Case No. IB-SC-07-09, Final Default Decision and Order of Revocation, October 20, 2009.

CONCLUSIONS OF LAW

13. Section 375.141 RSMo Supp. 2011,[1] 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] All statutory references are to the Revised Statutes of Missouri Supp. 2011 unless otherwise noted.

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;

* * *

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

14. 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.

15. "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).

16. 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).

19. The Director may refuse to issue Patt a non-resident insurance producer license pursuant to §375.141.1(2) because by failing to respond to two inquiries from the Department's Consumer Affairs Division, Patt twice violated 20 CSR 100-4.100(2)(A), an insurance regulation.

20. The Director may refuse to issue Patt a non-resident insurance producer license pursuant to §375.141.1(9) because she had her insurance producer license, or its equivalent, denied in Colorado, Wisconsin, and the District of Columbia.

21. The Director has considered Patt's history and all of the circumstances surrounding Patt's Application for licensure and exercises his discretion in refusing to issue Patt a non-resident insurance producer license.

22. Granting Patt's non-resident insurance producer license application would not be in the public interest.

23. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the non-resident insurance producer license application of **Judy Lee Patt** is hereby **REFUSED**.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 4TH DAY OF JUNE, 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, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to §621.120, RSMo. Under 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 5th day of June, 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:

Judy Lee Patt
6221 N. West Lane
Stockton, California 95210

Certified No. 7009 3410 0001 8931 3186

Judy Lee Patt
3591 Quail Lakes Drive
Stockton, California 95207

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