State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
Stephanie Moreno,	)	
	)	Case No. 110315373C
Applicant.	)	
	)	
Serve at:	)	
	)	
761 Filer Avenue West	)	
Twin Falls, Idaho 83301-4502	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On May 2, 2011, counsel for the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue Stephanie Moreno's insurance producer license. 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 summary order.

FACTUAL BACKGROUND

1. Stephanie Moreno f/k/a Stephanie Amos ("Moreno") is an individual residing in Idaho, whose residential address is 761 Filer Avenue W, Twin Falls, Idaho 83301-4502.

2. On October 15, 2010, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received an electronic non-resident insurance producer application ("Application") from Moreno.

3. In the "Background Questions" section of the Application, 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. Moreno answered "Yes" to Background Question #1.

5. On December 17, 2002, Moreno pleaded guilty to misdemeanor child neglect and was sentenced to 30 days incarceration. The court suspended Moreno's sentence. *State of Idaho v. Stephanie Lynn Amos*, Judgment,

Case No. CR-2002-0002433.

6. On or about February 5, 2003, Moreno pleaded guilty to felony possession of a controlled substance, in violation of Idaho Code Section 37-2732(c) and 37-2707(d), and was sentenced to up to four years incarceration. The court suspended Moreno's sentence. *State of Idaho v. Stephanie Lynn Amos*, Judgment of Conviction and Order of Probation, Case No. CR 02-2431.

7. On January 24, 2006, Moreno pleaded guilty to misdemeanor petit theft (shoplifting), in violation of Idaho Code Section 18-2407(2), and was sentenced to 90 days incarceration. The court suspended Moreno's sentence. *State of Idaho v. Stephanie Lynn Moreno*, Judgment, Case No. CR-2005-0007567.

8. On January 24, 2006, Moreno pleaded guilty to misdemeanor willful concealment, in violation of Idaho Code Section 18-4626, and was sentenced to 90 days incarceration. The court suspended Moreno's sentence. *State of Idaho v. Stephanie Lynn Moreno*, Judgment, Case No. CR-2005-0009187.

9. On March 21, 2006, Moreno pleaded guilty to misdemeanor use or possession with the intent to use drug paraphernalia, in violation of Idaho Code Section 37-2434(A), and was sentenced to time served. *State of Idaho v. Stephanie Lynn Moreno*, Judgment, Case No. CR-2006-0000404.

10. On August 7, 2009, the Idaho Department of Corrections discharged Moreno from probation in Case No. CR02-2431.

11. On October 22, 2010, Consumer Affairs Division Investigator Karen Crutchfield mailed a letter to Moreno at her business and mailing address, C3 Connect, 851 Poleline Road, Twin Falls, Idaho 83301-33037, by first class mail with sufficient postage, requesting more information about her criminal history.

12. The October 22, 2010 letter was not returned to the Department as undeliverable, and Moreno did not respond nor contact the Department in any way to provide a reasonable justification for a delayed response.

13. On November 15, 2010, Crutchfield spoke with Moreno on the telephone. Moreno confirmed her residential address as 761 Filer Avenue W, Twin Falls, Idaho 83301-4502. Moreno claimed she did not receive the October 22, 2010 letter because she no longer worked for C3 Connect.

14. On November 15, 2010, Crutchfield sent a letter to Moreno at her residential address of 761 Filer Avenue W, Twin Falls, Idaho 83301-4502 by first class mail with sufficient postage, requesting more information about her criminal history. The letter was not returned to the Department as undeliverable.

15. Moreno did not respond to the November 15, 2010 letter and did not contact the Department in any way to provide a reasonable justification for a delayed response.

16. On December 7, 2010, Crutchfield sent a letter to Moreno at her residential address of 761 Filer Avenue W, Twin Falls, Idaho 83301-4502 by certified mail with sufficient postage, requesting more information about her criminal history.

17. According to certified mail records, the December 7, 2010 letter was delivered on December 13, 2010.

18. Moreno did not respond to the December 7, 2010 letter and did not contact the Department in any way to provide a reasonable justification for a delayed response.

19. On December 30, 2010, Crutchfield sent a letter to Moreno at her residential address of 761 Filer Avenue W, Twin Falls, Idaho 83301-4502 by first class mail with sufficient postage, requesting more information about her criminal history. The letter was not returned to the Department as undeliverable.

20. Moreno did not respond to the December 30, 2010 letter and did not contact the Department in any way to provide a reasonable justification for a delayed response.

21. On January 12, 2011, the Colorado Department of Regulatory Agencies denied Moreno's insurance producer license for the following reasons:

    a. Providing incomplete information in the license application;
    b. Violation of, or noncompliance with, any insurance law, or violation of any lawful rule, order, or subpoena of the commissioner;
    c. The use of fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility;
    d. The failure to fully meet licensing requirements; and
    e. The failure to respond to a Division inquiry letter requesting additional information regarding criminal charges filed against

Moreno in Idaho in violation of Colorado Insurance Regulation 1-1-8, 3 CCR 702-1.

See Case File No. 230069.

22. On January 24, 2011, Crutchfield sent a letter to Moreno at her residential address of 761 Filer Avenue W, Twin Falls, Idaho 83301-4502 by certified mail with sufficient postage, requesting more information about her criminal history. The letter was returned as unclaimed.

CONCLUSIONS OF LAW

23. Section 375.141.1 RSMo (Supp. 2010)[1], 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:
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> * * *
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> (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;
>
> * * *
>
> (6) Having been convicted of a felony or crime involving moral turpitude;
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> * * *
>
> (9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory[.]

24. 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

[1] All statutory references are to the Revised Statutes of Missouri (Supp. 2010) unless otherwise noted.

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.

25. Colorado Insurance Regulation 1-1-8, 3 CCR 702-1 requires that a Colorado insurance producer respond to Colorado Division of Insurance inquiries within ten to twenty days, depending upon the inquiry.

26. A plea of guilty to a criminal charge is admissible as an admission against penal interest in any subsequent proceeding against the one who made it, for it is a solemn confession of the truth of the charge, though it is not conclusive and may be explained. *Pruiett v. Wilform*, 477 S.W.2d 76, 80 (Mo. 1972).

27. 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).

28. The Director may refuse to issue Moreno an insurance producer license pursuant to § 375.141.1(6) for having been convicted of a felony. *State of Idaho v. Stephanie Lynn Amos*, Case No. CR 02-2431.

29. The Director may refuse to issue Moreno an insurance producer license pursuant to § 375.141.1(6) for having been convicted of crimes of moral turpitude in that Moreno was convicted of petit theft and willful concealment. *State of Idaho v. Stephanie Lynn Moreno*, Judgment, Case No. CR-2005-0007567, *State of Idaho v. Stephanie Lynn Moreno*, Judgment, Case No. CR-2005-0009187, *Moore v. State Bd. of Nursing*, No. 96-002027 BN (Mo. Admin. Hrg. Comm'n August 26, 1997) (stealing is a crime involving moral turpitude).

30. The Director may refuse to issue Moreno an insurance producer license pursuant to § 375.141.1(9) because the Colorado Department of Regulatory Agencies denied Moreno's insurance producer license. Case File No. 230069.

31. The Director may refuse to issue Moreno an insurance producer license pursuant to § 375.141.1(2) because Moreno violated an insurance regulation, namely 20 CSR 100-4.100, by failing to respond in writing to three Consumer Affairs Division inquiries and without providing a reasonable justification for a delayed response.

32. The Director may refuse to issue Moreno an insurance producer license pursuant to § 375.141.1(2) because Moreno violated a Colorado insurance

law or regulation, subpoena or commissioner order, by failing to respond to a Colorado Department of Regulatory Agencies, Division of Insurance inquiry letter requesting additional information regarding the Idaho criminal charges filed against Moreno. *See* Case File No. 230069.

33. The Director has considered Moreno's history and all of the circumstances surrounding Moreno's Application for licensure and exercises his discretion in summarily refusing to grant Moreno's insurance producer license. Moreno has repeatedly demonstrated difficulty with controlled substances and repeatedly refused to participate in a Consumer Affairs Division investigation.

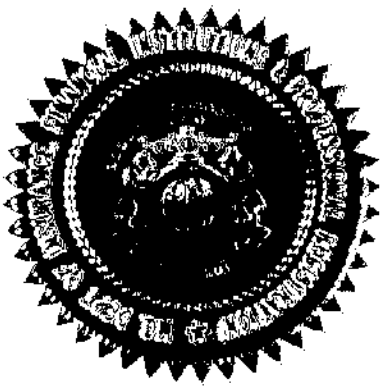
34. Granting Moreno's insurance producer license would not be in the public interest.

35. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license of **Stephanie Moreno** is hereby summarily **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 6th **DAY OF MAY, 2011.**



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 7th day of June, 2011, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by U.S. regular mail.

Stephanie Moreno
761 Filer Avenue West
Twin Falls, Idaho 83301-4502

Kathryn Randolph

Kathryn Randolph