State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
SERENA BRAY THOMAS,	)	**Case No. 160708339C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On July 28, 2016, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a non-resident insurance producer license to Serena Bray Thomas. After reviewing the Petition, 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. Serena Bray Thomas ("Thomas") is a Texas resident with a residential and mailing address of 4735 Poppy Drive East, Fort Worth, Texas 76137-2365.

2. On December 21, 1990, Thomas pled guilty to, and was convicted of, Theft of Property of the Value of $750.00 or More but Less Than $20,000.00, a Felony in the Third Degree ("Theft of $750"); the court sentenced her to six years' incarceration, but suspended execution of the sentence and ordered Thomas to complete six years' supervised probation and 160 hours' community service. *Texas v. Serena Anne Bray*, Tarrant Co. Dist. Ct., Case No. 0392532D ("*Bray I*"). On or about March 4, 1994, the court revoked Thomas's probation and sentenced her to two years' incarceration. *Id.*

3. On May 6, 1993, Thomas pled guilty to, and was convicted of, Possession of a Controlled Substance, Namely: Cocaine, a Felony in the Second Degree ("Possession of Cocaine"); the court sentenced her to ten years' incarceration, but suspended execution of the sentence and ordered Thomas to complete ten years' supervised probation. *Texas v. Serena Anne Bray*, Tarrant Co. Dist. Ct., Case No. 0510717W ("*Bray II*"). On or about March 4, 1994, the court revoked Thomas's probation and sentenced her to two years' incarceration, concurrent with the sentence executed in *Bray I*.

4. On March 10, 1995, Thomas again pled guilty to, and was convicted of, Possession of Cocaine; the court sentenced her to eight years' incarceration. *Texas v. Serena Anne Bray*, Tarrant Co. Dist. Ct., Case No. 0558145A ("*Bray III*").

5. On February 23, 2001, Thomas pled guilty to, and was convicted of, Possession with Intent to Deliver a Controlled Substance of Four Grams or More, but Less Than 200 Grams, Namely: Methamphetamine, a Felony in the First Degree ("Possession with Intent to Deliver Methamphetamine"); the court sentenced her to ten years' incarceration. *Texas v. Serena Anne Bray*, Tarrant Co. Dist. Ct., Case No. 0768140D ("*Bray IV*").

6. On February 1, 2016, the Department of Insurance, Financial Institutions and Professional Registration received Thomas's application for a non-resident insurance producer license ("Application").

7. Thomas disclosed the prosecutions in *Bray I*, *Bray II*, *Bray III*, and *Bray IV* on her Application.

CONCLUSIONS OF LAW

8. Section 375.141 RSMo (Supp. 2013)[1] is an insurance law and provides, in relevant 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:
>
> * * *
>
> (6) Having been convicted of a felony or crime involving moral turpitude[.]

9. "Missouri courts have invariably found moral turpitude in the violation of narcotic laws[.]" *Brehe v. Missouri Dep't of Elementary & Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007) (internal citation omitted). *See also In re Shunk*, 847 S.W.2d 789 (Mo. banc 1993) (finding possession of cocaine was a crime involving moral turpitude).

10. The Director may refuse to issue a non-resident insurance producer license to Thomas pursuant to § 375.141.1(6) because Thomas has been convicted of four felonies, specifically:

    a. Theft of $750, *Bray I*;

    b. Possession of Cocaine, *Bray II*;

    c. Possession of Cocaine, *Bray III*; and

    d. Possession with Intent to Deliver Methamphetamine, *Bray IV*.

11. The Director may refuse to issue a non-resident insurance producer license to Thomas pursuant to § 375.141.1(6) because Thomas has been convicted of four crimes involving

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[1] All civil statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 RSMo Supplement, unless otherwise noted.

moral turpitude, specifically:

a. Theft of $750, *Bray I*;

b. Possession of Cocaine, *Bray II*;

c. Possession of Cocaine, *Bray III*; and

d. Possession with Intent to Deliver Methamphetamine, *Bray IV*.

12. Each of Thomas's convictions for a felony or crime involving moral turpitude constitutes a separate and sufficient cause for the Director to refuse licensure pursuant to § 375.141.1(6).

13. The Director has considered Thomas's history and all of the circumstances surrounding Thomas's Application. Issuing Thomas a non-resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue Thomas a non-resident insurance producer license.

14. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the non-resident insurance producer license application of **Serena Bray Thomas** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 2nd **DAY OF** August, **2016.**

JOHN M. HUFF
DIRECTOR, Missouri Department of Insurance,
Financial Institutions and Professional Registration

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.

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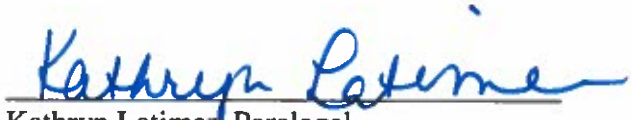
CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of August, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Serena Bray Thomas
4735 Poppy Drive East
Fort Worth, Texas 76137-2365

No. 1Z0R15W84296672368



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