



## State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION

IN RE:

TIAE DAWN MCCORMICK,

Applicant.

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Case No. 131001545C

### ORDER REFUSING TO ISSUE AN INSURANCE PRODUCER LICENSE

On October 31, 2013, the Consumer Affairs Division ("Division") submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Tiae Dawn McCormick. 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. Tiae Dawn McCormick ("McCormick") is a Florida resident with a residential address of 4904 O'Keefe St., A, Orlando, Florida 32808, and a mailing address of 3600 Ecommerce Place, Orlando, Florida 32808.
2. On or about September 12, 2012, Latoya Hunte, Licensing Administrator for Connexions, Inc., submitted an electronic application for a non-resident insurance producer license ("Application") on behalf of McCormick.
3. McCormick submitted additional, required documentation to the Department to supplement her Application and on October 29, 2012, the Department considered her application complete.
4. In the "Authorizing Officer" section, the Application provides that, "[a]s the authorized submitter, I declare that the applicant provided all the information submitted on this application."
5. McCormick, through Latoya Hunte, accepted the "Attestation" section of the Application, which reads, in relevant part, as follows:

I hereby certify that, under penalty of perjury, 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. Question 1 of the application asks, in relevant part:

Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

7. McCormick answered "Yes" to Question 1. She provided court documentation to supplement her Application that showed the following convictions:

a. On September 27, 1999, McCormick pleaded guilty to Misdemeanor Possession of Marijuana in the Circuit Court of Hillsborough County, Florida. The court sentenced her to six months' probation and a fine of \$116.00. On April 3, 2000, the court revoked McCormick's probation and sentenced her to 20 days in jail with credit for time served. *State v. Tiae Dawn McCormick*, Hillsborough County, Florida Cir. Ct., Case No. 99-CM-022949.

b. On June 11, 1998, McCormick pleaded guilty to Misdemeanor Battery in the Circuit Court of Manatee County, Florida. The court sentenced her to six months' probation and a fine of \$136. She was also required to attend anger control counseling and pay restitution. On February 17, 1999, the court revoked McCormick's probation and sentenced her to 60 days in jail with credit for time served. *State v. Tia D. McCormick*, Manatee County, Florida Cir. Ct., Case No. 41 1993 MM 005650 A.

8. Question 2 of the application asks, in relevant part:

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?

9. McCormick answered "No" to Question 2.

10. The Division's investigation revealed that McCormick was a party in two prior administrative proceedings, as follows:

a. On October 3, 2011, McCormick applied for a permanent individual intermediary agent's license in the state of Wisconsin. On November 30, 2011, the Wisconsin Office of the Commissioner of Insurance sent McCormick a letter indicating that it was denying her application for the following reasons:

- i. For failing to provide information promptly or for an incomplete application. Section 601.42, W.S.A. and Wis. Adm. Code § Ins. 6.59(d).
- ii. For having been convicted of a crime which is "substantially related to the circumstances of holding an insurance license." Wis. Adm. Code § Ins. 6.59(5)(a).

Wisconsin Office of the Commissioner of Insurance, Case No. 11-C34292, Nov. 30, 2011.

b. The Wisconsin Commissioner of Insurance advised McCormick that she had 30 days from the date of the letter to contest the denial of her application. She did not do so. *Id.*

c. On October 25, 2012, McCormick applied again for a permanent individual intermediary agent's license in the state of Wisconsin. On December 5, 2012, the Wisconsin Office of the Commissioner of Insurance sent McCormick a letter indicating that it was denying her application for the following reasons:

- i. For failing to accurately complete the application form and disclose administrative actions. Section 628.04, W.S.A. and Wis. Adm. Code § Ins. 6.59(5)(b), (c) and (d).
- ii. For an incomplete application and for failing to respond promptly and completely to written requests for information from the Commissioner of Insurance regarding her application. Section 601.42, W.S.A. and Wis. Adm. Code § Ins. 6.59(5)(d).

Wisconsin Office of the Commissioner of Insurance, Case No. 12-C35064, Dec. 5, 2012.

d. The Wisconsin Commissioner of Insurance advised McCormick that she had 30 days from the date of the letter to contest the denial of her application. She did not do so. *Id.*

11. It is inferable, and hereby found as fact, that McCormick failed to disclose her 2011 Wisconsin administrative action in her Application in an effort to suggest to the Director that she had no administrative actions against her in order to improve her chances that the Director would approve her Application and issue her a license.<sup>1</sup>

12. The Division's investigation also revealed that McCormick had applied for a license in the state of Connecticut. On September 21, 2012, a representative from the State of Connecticut Insurance Department contacted McCormick regarding her application and requested documentation explaining the criminal convictions that she had disclosed. McCormick did not respond, so the Connecticut Insurance Department deemed her application abandoned; Connecticut did not issue a denial letter.

13. After reviewing McCormick's Application and attachments, Dennis Fitzpatrick, Special Investigator with the Division, sent a letter to McCormick's mailing address, 3600 Ecommerce Place, Orlando, Florida 32808, by first class mail, postage prepaid, dated November 2, 2012. In this letter, Fitzpatrick noted that the Division had discovered administrative actions against McCormick in Wisconsin and Connecticut. He therefore requested a detailed letter of explanation by November 26, 2012.

14. The United States Postal Service did not return the Division's November 2, 2012 letter to the Division as undeliverable.

15. McCormick failed to provide a written response to the Division's November 2, 2012, letter by November 26, 2012. Further, McCormick did not request any additional time to respond to Fitzpatrick's inquiries. McCormick failed to demonstrate a reasonable justification for any delay.

16. On December 6, 2012, Fitzpatrick sent another letter to McCormick's mailing address, 3600 Ecommerce Place, Orlando, Florida 32808, by first class mail, postage prepaid. In this letter, Fitzpatrick requested a written response regarding administrative actions against McCormick in Wisconsin by December 27, 2012.

17. The United States Postal Service did not return the Division's December 6, 2012 letter to the Division as undeliverable.

18. McCormick failed to provide a written response to the Division's December 6,

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<sup>1</sup> The second administrative action against McCormick in Wisconsin occurred in October, 2012, after she had already filed her Application in Missouri.

2012, letter by December 27, 2012. Further, McCormick did not request any additional time to respond to Fitzpatrick's inquiries. McCormick failed to demonstrate a reasonable justification for any delay.<sup>2</sup>

### CONCLUSIONS OF LAW

19. Section 375.141.1 RSMo Supp. 2012,<sup>3</sup> 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:

(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;

\* \* \*

(6) Having been convicted of a felony or crime involving moral turpitude;

\* \* \*

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

20. 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

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<sup>2</sup> In July and August, 2013, Fitzpatrick sent two more letters to McCormick – one to her residential address, 4904 O'Keefe St., A, Orlando, Florida 32808, and one to an address that Fitzpatrick obtained from an on-line data source – 5157 Rose Avenue, Orlando, Florida 32810, respectively. Both letters, however, were returned to the Division marked "Return to Sender" with no forwarding addresses.

<sup>3</sup> All further statutory references are to RSMo Supp. 2012 unless otherwise noted.

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.

21. Section 601.42 of Wisconsin's Annotated Statutes provides, in relevant part, as follows:

(1g) **Reports.** The commissioner may require any of the following from any person subject to regulation under chs. 600 to 655:

(a) Statements, reports, answers to questionnaires and other information, and evidence thereof, in whatever reasonable form the commissioner designates, and at such reasonable intervals as the commissioner chooses, or from time to time.

(emphasis in original).

22. Section 628.04 of Wisconsin's Annotated Statutes provides, in relevant part, as follows:

(1) **Conditions and qualifications.** Except as provided in s. 628.095 or 628.097, the commissioner shall issue a license to act as an agent to any applicant who:

\* \* \*

(b) Shows to the satisfaction of the commissioner:

\* \* \*

2. That if a natural person, the applicant is competent and trustworthy....

(emphasis in original).

23. The Wisconsin Administrative Code, § Ins. 6.59, provides, in relevant part, as follows:

(5) Competence and trustworthiness. The following criteria may be used in assessing trustworthiness and competence:

a) Criminal record. The conviction for crimes which are substantially related to the circumstances of holding an insurance license.

b) Accuracy of information. Any material misrepresentation in the information submitted on the application form.

c) Regulatory action. Any regulatory action taken with regard to any occupational license held, such as insurance licenses in other states, real estate licenses and security licenses.

d) Other criteria. Other criteria which the commissioner considers evidence of untrustworthiness or incompetence, including but not limited to:

1) Providing incorrect, misleading, incomplete or materially untrue information in the license application.

\* \* \*

6) Having been convicted of a felony or misdemeanor substantially related to the circumstances of holding an insurance license.

24. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course of the mails. *Hughes v. Estes*, 793 S.W.2d 206, 209 (Mo. App. S.D. 1990).

25. Possession of narcotics is a crime involving moral turpitude. See *In re Shunk*, 847 S.W.2d 789, 791-92 (Mo. banc 1993) (felony possession); *State Board of Nursing v. Rawlings*, No. 09-0282 BN (Mo. Admin. Hrg. Comm., Oct. 7, 2009); *Missouri Dental Board v. VanOpdorp*, No. 11-0280 DB (Mo. Admin. Hrg. Comm., Mar. 18, 2013) (misdemeanor possession).

26. 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. E.D. 1984).

27. McCormick may be refused an insurance producer license under § 375.141.1(1) because she intentionally provided materially misleading or incomplete information in the license application when she failed to disclose in her Application that her 2011 Wisconsin license application was denied. Wisconsin Office of the Commissioner of Insurance, Case No. 11-C34292, November 30, 2011.

28. McCormick may also be refused an insurance producer license under § 375.141.1(2) because she violated the insurance laws of Wisconsin in the following respects:

a. She failed to promptly provide information or had an incomplete application, in violation of Section 601.42, W.S.A. and Wis. Adm. Code § Ins. 6.59(d);

b. She failed to accurately complete the application form by failing to disclose administrative actions, in violation of Wis. Adm. Code § Ins. 6.59(5)(b), (c), and (d) and § 628.04, W.S.A.

29. Each violation of the laws of the state of Wisconsin is a separate and sufficient cause for refusal under § 375.141.1(2).

30. McCormick may also be refused an insurance producer license under § 375.141.1(2) because she twice violated a Department regulation, 20 CSR 100-4.100(2)(A), in that she failed to adequately respond to two inquiries, from November 2, 2012 and December 6, 2012, from the Division and she failed to demonstrate a reasonable justification for the delay.

31. Each failure to provide an adequate response to the Division or failure to provide a reasonable justification for the delay is a separate and sufficient cause for refusal under § 375.141.1(2).

32. McCormick may also be refused an insurance producer license under § 375.141.1(3) because she attempted to obtain a license through material misrepresentation or fraud by failing to disclose in her Application that her 2011 Wisconsin license application was denied.

33. McCormick may also be refused an insurance producer license under § 375.141.1(6) because she has been convicted of a crime involving moral turpitude, to wit: on September 27, 1999, McCormick pleaded guilty to Misdemeanor Possession of Marijuana in the Circuit Court of Hillsborough County, Florida. The court sentenced her

to six months' probation and a fine of \$116.00. On April 3, 2000, the court revoked McCormick's probation and sentenced her to 20 days in jail with credit for time served. *State v. McCormick*, Case No. 99-CM-022949.

34. McCormick may also be refused an insurance producer license under § 375.141.1(9) because she has had an insurance producer license or its equivalent denied in Wisconsin.

35. The Director has considered McCormick's history and all of the circumstances surrounding McCormick's Application. McCormick's lack of candor in the application process regarding her 2011 denial in Wisconsin does not bode well for her compliance, going forward, with this state's insurance laws and regulations. Further, and also as in Wisconsin, McCormick has not responded to the Division regarding questions about her Missouri Application. Finally, McCormick has been convicted of misdemeanor possession of marijuana, a crime of moral turpitude. Granting McCormick an insurance producer license given these facts would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to issue an insurance producer license to McCormick.

36. The requested Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the individual non-resident insurance producer license application of **Tiae Dawn McCormick** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 6<sup>th</sup> DAY OF NOVEMBER, 2013.



  
**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 6th day of November, 2013, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by first class mail, postage pre-paid, and by UPS with signature required at the following address:

Tiae Dawn McCormick  
3600 Ecommerce Place  
Orlando, FL 32808

Tracking No. 1Z0R15W84296929635



Kathryn Randolph, Paralegal  
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