



State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

IN RE:

JABARI WASHINGTON,

Applicant.

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Case No. 141110737C

**ORDER REFUSING TO ISSUE A
RESIDENT INSURANCE PRODUCER LICENSE**

On January 6, 2015, Tamara W. Kopp, counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue a resident insurance producer license to Jabari Washington. 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. Jabari Washington, ("Washington") is a Missouri resident with a residential address of 13128 Ashland Avenue, Grandview, MO 64030.
2. The Department of Insurance, Financial Institutions and Professional Registration ("Department") received Washington's "Uniform Application for Individual Producer License/Registration" on or about January 16, 2014 ("Application").
3. The "Attestation" section of the Application states in relevant part:
 1. 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.
4. Washington signed the "Attestation" section of the Application.
5. Background Question No. 2 of the Application asks:

Have you ever been named or involved as a party in an administrative proceeding, including a FINRA sanction or arbitration proceeding regarding any professional

or occupational license or registration, which has not been previously reported to this insurance department?

“Involved” means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, placed on probation, sanctioned or surrendering a license to resolve an administrative 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.

6. Washington marked “No” in response to Background Question No. 2 and did not include any supplemental information or documentation.

7. Contrary to his response to Background Question No. 2, Washington had been subject to an administrative proceeding regarding a professional or occupational license when the Kansas Insurance Commissioner revoked Washington’s nonresident insurance agent’s license, effective October 1, 2012. The Kansas Insurance Commissioner found that Washington applied electronically for a license and was issued the requested license through National Insurance Producer Registry (“NIPR”) online services. Washington’s electronic payment for the license and transaction fees was declined by Washington’s financial institution. Despite demands, Washington failed to make payment to NIPR. The Kansas Insurance Commissioner concluded that Washington violated a Kansas insurance law, K.A.R. §40-7-9(f), by failing to maintain a current address in the Kansas Insurance Department’s records and demonstrated financial irresponsibility in business and demonstrated a lack of trustworthiness. *In the Matter of the Kansas Nonresident Insurance Agent’s License of Jabari Washington*, Summary Order, Docket No. 4488—SO.

8. It is inferable that Washington falsely answered “no” to Background Question No. 2 in order to intentionally provide materially incorrect, misleading, incomplete, or untrue information and to materially misrepresent to the Director that he had no administrative actions against a professional license and, accordingly to improve the chances the Director would approve his Application and issue him an insurance producer license.

CONCLUSIONS OF LAW

9. Section 375.141 RSMo (Supp. 2014)¹ states, in pertinent 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) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the licensing 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;

* * *

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

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

10. 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).

11. The Director may refuse Washington's individual resident insurance producer license pursuant to § 375.141.1(1) because Washington intentionally provided materially incorrect, misleading, incomplete, or untrue information in the license application when he failed to disclose and failed to provide the required documentation regarding his involvement in an administrative proceeding in response to Background Question No. 2 on his Application, namely, the Kansas license revocation. *In the Matter of the Kansas Nonresident Insurance Agent's License of Jabari Washington*, Summary Order, Docket No. 4488—SO.

12. The Director may refuse Washington's individual resident insurance producer license pursuant to § 375.141.1(2) because Washington violated an insurance law of another state, namely K.A.R. §40-7-9(f), by failing to maintain a current address in the Kansas Insurance Department's records. *Id.*

13. The Director may refuse Washington's individual resident insurance producer license pursuant to § 375.141.1(3) because Washington attempted to obtain a license through material misrepresentation or fraud when he failed to disclose and failed to provide the required

¹ All statutory references are to the RSMo (2000) as updated by the 2014 Supplement, unless otherwise indicated.

documentation regarding a prior administrative action in response to Background Question No. 2 on his Application, namely, the Kansas license revocation. *Id.*

14. The Director may refuse Washington's individual resident insurance producer license pursuant to § 375.141.1(8) because Washington demonstrated untrustworthiness and financial irresponsibility in the conduct of business in Kansas. *Id.*

15. The Director may refuse Washington's individual resident insurance producer license pursuant to § 375.141.1(9) because Washington's insurance producer license, or its equivalent, was revoked in Kansas. *Id.*

16. The Director has considered Washington's history and all of the circumstances surrounding his Application. As such, granting Washington a resident insurance producer license would not be in the interest of the public. For all of the reasons stated in this Order, the Director exercises his discretion by refusing to issue Washington a resident insurance producer license.

17. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the application for a resident insurance producer license of **JABARI WASHINGTON** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 7TH DAY OF JANUARY, 2015.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

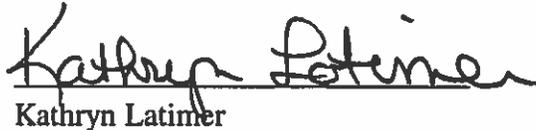
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri within (30) days after the mailing of this notice pursuant to § 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your 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 7th day of January, 2015, a copy of the foregoing notice and order was served upon Jabari Washington in this matter by UPS with signature required, at the following address:

Jabari Washington
13128 Ashland Avenue
Grandview, MO 64030

Tracking No. 1Z0R15W84295651632



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