



FINAL ORDER
EFFECTIVE
02-01-2019

State of Missouri

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

IN RE:)
)
STEPHEN HUGH ENGLISH,) **Case No. 171130477C**
)
Renewal Applicant.)

ORDER REFUSING TO RENEW
AN INSURANCE PRODUCER LICENSE

On April 4, 2018, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to renew Stephen Hugh English’s insurance producer license. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Stephen Hugh English (“English”) is a Missouri resident with an apparent residential, business and mailing address of 8436 Mercier Street, Kansas City, Missouri 64114 on file with the Department of Insurance, Financial Institutions and Professional Registration (“Department”).
2. On December 20, 2013, English submitted an electronic application for a resident insurance producer license (“2013 Application”).
3. English accepted the “Attestation” section of the 2013 Application, which reads, in relevant part:

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. Background Question Number 1 of the 2013 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? Note: “Crime” includes a misdemeanor, a felony or a military offense. You may

exclude misdemeanor traffic citations and misdemeanor convictions or pending misdemeanor charges involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere or no contest, or having been given probation, a suspended sentence, or a fine.

(Emphasis added).

5. English answered "No" to Background Question Number 1 on the 2013 Application.
6. The Department issued a license to English (license number 8309421), effective December 23, 2013. That license expired on December 23, 2015.
7. On October 20, 2016, at 7:51 a.m., English submitted an electronic application to renew his license ("2016 Application").
8. English accepted the "Attestation" section of the 2016 Application which reads, in relevant part:

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.

9. Background Question Number 1B of the 2016 Application asks, in relevant part:

Have you been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department?

10. English answered "No" to Background Question Number 1B on the 2016 Application.
11. Relying on the accuracy of English's certification and response, the Department automatically renewed English's license effective October 20, 2016. That license expired on December 23, 2017.
12. On October 20, 2016 at 8:44 a.m., shortly after English submitted his 2016 Application certifying that his answers were true and complete, English sent an email to the Department's Licensing Section. In that email, English indicated, in part, as follows:

I have already completed my renewal application for my resident life and health license, but after reviewing dates of my initial application I was unsure whether my DUI charge from 2013 had been submitted previously. I have attached documents from the court stating the charges and requirements fulfilled by myself as instructed by the court. All fines and probation requirements were resolved and completed as of 5/23/2016.

13. The Division's investigation revealed that, contrary to English's response to Background Question Number 1 of the 2013 Application, English was facing felony charges at the time he submitted his 2013 Application. Further, English pled guilty to and was sentenced for that felony before he submitted his 2016 Application in October 2016.
14. English did not notify the Director regarding his felony driving while under the influence of alcohol charges at any time prior to October 20, 2016, when he sent the above-mentioned email to the Licensing Section.
15. The details regarding English's felony conviction are as follows:
 - a. On September 26, 2013, the Johnson County, Kansas Prosecutor charged English via Complaint in Count I with Felony Driving While Under the Influence of Alcohol, in violation of K.S.A. 8-1567, and in Count II with Refusing a Preliminary Breath Test, in violation of K.S.A. 8-1012. *State of Kansas v. Stephen Hugh English*, Johnson Co. Dist. Ct., Case No. 13CR02216. On November 26, 2013, English appeared in court with counsel and waived formal reading of the Complaint. *Id.* On May 15, 2014, English waived preliminary hearing and was bound over on the charges. *Id.* On August 27, 2014, English pled guilty to Count I, Felony Driving While Under the Influence of Alcohol; the prosecutor dismissed Count II. *Id.* On November 25, 2014, the court sentenced English to 12 months in jail with probation granted for 12 months and 10 days served followed by house arrest. *Id.* The court also sentenced English to a \$1,500.00 fine. *Id.* English's probation was terminated on May 23, 2016. *Id.*
16. It is inferable, and hereby found as fact, that English did not disclose his pending felony driving while under the influence of alcohol charge on his 2013 Application in order to hide the pending charges from the Director and improve the chances that the Director would approve his 2013 Application and issue an insurance producer license to him, which, having been misled, the Director did.
17. It is inferable, and hereby found as fact, that English did not disclose his conviction for felony driving while under the influence of alcohol on his 2016 Application in the hopes that the Director would automatically approve his 2016 Application and renew

his insurance producer license which, having been misled, the Director did.

18. On January 18, 2017, Division Special Investigator Jodi Lehman (“Lehman”) contacted English by telephone. Special Investigator Lehman had sent English two letters, on December 7, 2016 and December 28, 2016, to his residential, business, and mailing address of record, 8436 Mercier Street, Kansas City, Missouri 64114, but English had not responded. In their phone call, English advised Lehman that he had not received her letters because he had moved, and that his new address was 7414 Jefferson Street, Kansas City, Missouri 64114.
19. English never notified the Director of any change to his mailing or residential address, thereby preventing the Director from contacting him regarding the misstatements on his 2013 Application and his 2016 Application.
20. On February 13, 2018, English submitted an electronic application to renew his license (“2018 Application”). Notwithstanding what he told Special Investigator Lehman during their January 18, 2017 telephone call regarding a change in his address, English persisted in listing his residential, business, and mailing address as 8436 Mercier Street, Kansas City, Missouri 64114 in his 2018 Application.

CONCLUSIONS OF LAW

21. Section 375.141.1 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:

- (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; [or]

* * *

- (6) Having been convicted of a felony or crime involving moral turpitude[.]

22. Section 375.141.5, an insurance law, provides, in relevant part:

Every insurance producer licensed in this state shall notify the director of any change of address, on forms prescribed by the director, within thirty days of the change.

23. Section 375.141.7, an insurance law, provides:

Within thirty days of the initial pretrial hearing date, a producer shall report to the director any criminal prosecution for a felony or a crime involving moral turpitude of the producer taken in any jurisdiction. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant legal documents.

24. English's 2018 Application to renew a resident, individual insurance producer license may be refused under § 375.141.1(1) because English intentionally provided materially misleading or incomplete information in the 2013 Application when he failed to disclose his then pending felony charge for driving while under the influence of alcohol. *State of Kansas v. Stephen Hugh English*, Johnson Co. Dist. Ct., Case No. 13CR02216. English was charged with felony driving while under the influence of alcohol on September 26, 2013 and he appeared in court on November 26, 2013 with counsel and waived formal reading of the Complaint. *Id.* He filed his 2013 Application after that, on December 20, 2013.
25. English's 2018 Application to renew a resident, individual insurance producer license may be refused under § 375.141.1(1) because English intentionally provided materially misleading or incomplete information in the 2016 Application when he failed to disclose his felony conviction for driving while under the influence of alcohol. *Id.* English pled guilty to felony driving while under the influence of alcohol on August 27, 2014 and was sentenced on November 25, 2014. *Id.* He filed his 2016 Application after that, on October 20, 2016, and in that application, he certified that the information contained therein was both true and complete. English did not, however, disclose his felony conviction in the 2016 Application. Rather, he waited until after he submitted his 2016 Application to email the Department's Licensing Section because he was suddenly "unsure whether my DUI charge from 2013 had been submitted previously."
26. Each time English intentionally provided materially misleading or incomplete information under § 375.141.1(1) constitutes a separate and sufficient ground for the Director to refuse to renew English's insurance producer license.
27. English's 2018 Application to renew a resident, individual insurance producer license may be refused under § 375.141.1(2) for violating § 375.141.5, an insurance law, because English failed to timely notify the Director of any change of address, on forms provided by the Director, within thirty days of the change. Special Investigator Lehman sent a letter to English on December 7, 2016. When Lehman called English

more than thirty days later, on January 17, 2017, English indicated that he had moved to 7414 Jefferson Street, Kansas City, Missouri 64114. English failed to notify the Director about his new address, and he did not follow up and provide the new address to the Director in writing. Further, on his 2018 Application, English persists in listing his (allegedly) old address, 8436 Mercier Street, Kansas City, Missouri 64114. If English has moved back to his old address, he has also failed to properly notify the Director in writing of this change.

28. English's 2018 Application to renew a resident, individual insurance producer license may be refused under § 375.141.1(2) for violating § 375.141.7, an insurance law, because English failed to report to the Director any criminal prosecution for a felony or a crime involving moral turpitude of the producer taken in any jurisdiction within thirty days of the initial pretrial hearing date. English pled guilty to felony driving while under the influence of alcohol on August 27, 2014 and he was sentenced on November 25, 2014. *State of Kansas v. Stephen Hugh English*, Johnson Co. Dist. Ct., Case No. 13CR02216. English did not disclose the fact that he had been convicted of a felony until he emailed the Department's Licensing Section on October 20, 2016, advising, "I was unsure whether my DUI charge from 2013 had been submitted previously." English's disclosure came more than thirty days after any initial pretrial hearing date; in fact, English did not disclose until almost two years after he was sentenced in the case.
29. English's 2018 Application to renew a resident, individual insurance producer license may be refused under § 375.141.1(3) because English obtained a license through material misrepresentation or fraud by failing to disclose his then pending felony driving while under the influence of alcohol charge in his 2013 Application. *State of Kansas v. Stephen Hugh English*, Johnson Co. Dist. Ct., Case No. 13CR02216.
30. English's 2018 Application to renew a non-resident, individual insurance producer license may be refused under § 375.141.1(3) because English obtained a license through material misrepresentation or fraud by failing to disclose his felony driving while under the influence of alcohol conviction in his 2016 Application. *Id.*
31. Each time English obtained a license through material misrepresentation or fraud under § 375.141.1(3) constitutes a separate and sufficient ground for the Director to refuse to renew English's insurance producer license.
32. English's 2018 Application to renew a non-resident, individual insurance producer license may be refused under § 375.141.1(6) because English has been convicted of a felony. *State of Kansas v. Stephen Hugh English*, Johnson Co. Dist. Ct., Case No. 13CR02216.
33. The above described instances are grounds upon which the Director may refuse to renew English's individual resident insurance producer license. English has been

convicted of a felony, driving while under the influence of alcohol. Yet he failed to mention this criminal case on both his 2013 Application and his 2016 Application, despite questions that required him to do so. English finally disclosed the conviction but did so only after he certified that his 2016 Application was true and complete, and well after his conviction and sentence. English also failed to properly notify the Director of a change in address.

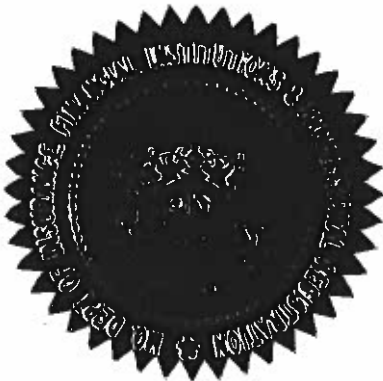
34. The Director has considered English's history and all of the circumstances surrounding English's 2018 Application. Renewing English's insurance producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to renew English's individual resident insurance producer license.
35. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the 2018 Application to renew the resident insurance producer license of **Stephen Hugh English** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 31st **DAY OF** October, 2018.



Chlora Lindley-Myers
CHLORA LINDLEY-MYERS
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.

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November, 2018, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by United Parcel Service, with signature required, at the following addresses:

Stephen Hugh English
8436 Mercier Street
Kansas City, Missouri 64114

Tracking No. 1Z0R15W84295105482

and

Stephen Hugh English
7414 Jefferson Street
Kansas City, Missouri 64114

Tracking No. 1Z0R15W84299216293



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: Kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of November, 2018, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by USPS certified mail, at the following addresses:


Stephen Hugh English
8436 Mercier Street
Kansas City, Missouri 64114

Certified No. 7016 0340 0001 1319 8859

and

Stephen Hugh English
7414 Jefferson Street
Kansas City, Missouri 64114

Certified No. 7016 0340 0001 1319 8866

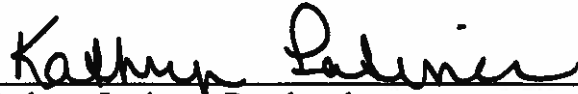

Kathryn Latimer, Paralegal
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Jefferson City, Missouri 65101
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Email: Kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2018, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by United Parcel Service, with signature required, at the following addresses:

Stephen Hugh English
5401 W. 84th Terrace
Prairie Village, KS 66207-1720

Tracking No. 1Z0R15W84292676353



Kathryn Latimer, Paralegal
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Telephone: 573.751.2619
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Email: Kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December, 2018, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by United Parcel Service, with signature required, at the following addresses:

Stephen Hugh English
5401 W. 84th Terrace
Prairie Village, KS 66207-1720

Certified No. 7016 0340 0001 1319 8996



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