



**DEPARTMENT OF COMMERCE AND INSURANCE**

P.O. Box 690, Jefferson City, Mo. 65102-0690

**IN RE:** )  
 )  
**WILLIAM STACEY HUMPHREY,** ) **Case No. 1905300843C**  
 )  
**Applicant.** )

**ORDER REFUSING TO ISSUE  
AN INSURANCE PRODUCER LICENSE**

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. 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. William Stacey Humphrey (“Humphrey”) is a Missouri resident with a business and mailing address of 249 Bentwood Lane, St. Peters, MO 63376.
2. Humphrey is licensed as a resident motor vehicle extended service contract (MVESC) producer. His license expires on December 5, 2020.
3. On December 10, 2018, the Department Insurance, Financial Institutions and Professional Registration<sup>1</sup> received Humphrey’s electronic application for a resident insurance producer license (“Application”) along with attachments.
4. Background Question No. 1A of the Application asked:

Have you ever been convicted of a misdemeanor, had a judgment

<sup>1</sup> The Department of Insurance, Financial Institutions and Professional Registration is the predecessor agency of the Department of Commerce and Insurance. See Executive Order 19-02.

withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)[.]

5. Humphrey answered “No” to Background Question No. 1A.

6. Background Question 7 of the application asked:

Do you have a child support obligation in arrearage?

7A. If you answer yes, a) by how many months are you in arrearage?

7B. b) are you currently subject to and in compliance with any repayment agreement?

7C. c) are you the subject of a child support related subpoena/warrant? (If you answered yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)

7. Humphrey answered “Yes” to Background Question 7 and indicated, in response to Background Question 7A, that he was 12 months in arrearage. He also answered “Yes” in response to Background Question 7B. He answered “No” in response to Background Question 7C. He did not provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.

8. The applicant’s attestation section of the Application read, 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. Humphrey entered “Yes” to show that he accepted the attestation.

10. An investigation conducted by the Consumer Affairs Division (“Division”) revealed that Humphrey had not disclosed in response to Background Information Question 1A a misdemeanor for which he had judgment withheld or deferred. Humphrey had not disclosed that, on May 15, 2008, he had pleaded guilty to the Class A Misdemeanor of Domestic Assault in the Third Degree. *State v. William Stacey Humphrey*, St. Charles Cnty. Cir. Ct., Case No. 0811-CR01534. The court suspended imposition of sentence and placed Humphrey on supervised probation for two years. Humphrey completed probation on May 15, 2010.
11. On December 20, 2018, Karen Crutchfield (“Crutchfield”) with the Consumer Affairs Division sent an inquiry letter to Humphrey at his address of 249 Bentwood Lane, St. Peters, MO 63376. The letter asked Humphrey to provide a copy of his child support order and payment history for the previous 24 months. The letter also asked Humphrey to provide a copy of the Complaint, Information, Sentence and Judgment, and resolution of the sentence for *State v. William Stacey Humphrey*, St. Charles Cnty. Cir. Ct., Case No. 0811-CR01534, and the letter asked Humphrey to explain why he did not report this criminal charge on his application and the circumstances creating the charge. The inquiry letter cited 20 CSR 100-4.100(2)(A) and advised Humphrey that his adequate response was due in 20 days.
12. The United States Postal Service did not return the Division’s December 20, 2018 inquiry letter as undeliverable, and therefore Humphrey is presumed to have received it.
13. Humphrey did not respond to the Division’s December 20, 2018 inquiry letter, nor did he demonstrate a reasonable justification for the delay.
14. On January 15, 2019, Crutchfield sent a second inquiry letter to Humphrey at his address of 249 Bentwood Lane, St. Peters, MO 63376. Crutchfield also sent the letter to Humphrey by email, using the email address Humphrey provided on the Application. The inquiry letter sought the same information as before and again advised Humphrey that, under 20 CSR 100-4.100(2)(A), his adequate response was due in 20 days.
15. The United States Postal Service did not return the Division’s January 15, 2019 inquiry letter as undeliverable, and therefore Humphrey is presumed to have received it.
16. Humphrey did not respond to the Division’s January 15, 2019 inquiry letter, nor did he demonstrate a reasonable justification for the delay.
17. On February 13, 2019, Crutchfield sent a third inquiry letter to Humphrey at his address of 249 Bentwood Lane, St. Peters, MO 63376. Crutchfield also again sent the letter to Humphrey by email, using the email address Humphrey provided on the

Application. The inquiry letter sought the same information as before and again advised Humphrey that, under 20 CSR 100-4.100(2)(A), his adequate response was due in 20 days.

18. The United States Postal Service did not return the Division's February 13, 2019 inquiry letter as undeliverable, and therefore Humphrey is presumed to have received it.
19. Humphrey did not respond to the Division's February 13, 2019 inquiry letter, nor did he demonstrate a reasonable justification for the delay.
20. Crutchfield obtained Payment Detailed History Reports from the Missouri Automated Child Support System (MACSS) regarding Humphrey's child support payment history for the two most recent years. The reports showed that Humphrey had the following child support orders with the following information:
  - a. Judicial order number 0911FC00619 effective August 1, 2009, which ordered Humphrey to pay \$550 per month. The report showed that for multiple months Humphrey had failed to pay the full amount of support owed. In total, Humphrey was \$8,745.72 in arrears.
  - b. Judicial order number 1311FC02149 effective May 1, 2015, which ordered Humphrey to pay \$696 per month. The report showed that for multiple months Humphrey had failed to pay the full amount of support owed. In total, Humphrey was \$15,456.12 in arrears.
21. It is inferable, and hereby found as fact, that Humphrey failed to disclose his misdemeanor charge for Domestic Assault in the Third Degree in order to misrepresent to the Director that he did not have a criminal history in the hopes that the Director would look more favorably on his Application and issue a resident producer license to him.

### **CONCLUSIONS OF LAW**

22. Section 375.141 RSMo (2016)<sup>2</sup> states, 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:
    - (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;

---

<sup>2</sup> All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

(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]

\* \* \*

(13) Failing to comply with an administrative or court order imposing a child support obligation[.]

23. Section 374.210.1 RSMo states, in relevant part:

It is unlawful for any person in any investigation, examination, inquiry, or other proceeding under this chapter, chapter 354, or chapters 375 to 385, to:

(1) Knowingly make or cause to be made a false statement upon oath or affirmation or in any record that is submitted to the director or used in any proceeding under this chapter, chapter 354, and chapters 375 to 385[.]

24. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, is a rule of the Director and 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 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. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. Ct. App. 2000).

26. The Director may refuse to issue a resident insurance producer license to Humphrey under § 375.141.1(1) RSMo because Humphrey attempted to obtain such a license through material misrepresentation or fraud in that he failed to disclose the full extent of his criminal history on the Application.

27. The Director may refuse to issue a resident insurance producer license to Humphrey under § 375.141.1(2) RSMo because Humphrey violated an insurance law, specifically § 374.210.1 RSMo, by making a false statement in a record submitted to the Director or used in a proceeding under Chapters 374 and 375, in that he falsely stated on the Application that he had not had a judgment withheld or deferred regarding a misdemeanor charge.
28. The Director also may refuse to issue a resident insurance producer license to Humphrey under § 375.141.1(2) RSMo because Humphrey violated a regulation of the Director, specifically 20 CSR 100-4.100(2)(A), by not mailing to the Division adequate responses to the December 20, 2018, January 15, 2019, and February 13, 2019 inquiries within 20 days from the date the Division mailed the inquiries.
29. Each failure to adequately respond to an inquiry letter constitutes separate and sufficient cause to refuse to issue an insurance producer license to Humphrey under § 375.141.1(2) RSMo.
30. The Director may refuse to issue a resident insurance producer license to Humphrey under § 375.141.1(3) RSMo because Humphrey attempted to obtain such a license through material misrepresentation or fraud in that he failed to disclose the full extent of his criminal history on the Application and, in fact, represented that he did not have a criminal history.
31. The Director may refuse to issue a resident insurance producer license to Humphrey under § 375.141.1(13) RSMo because Humphrey has failed to comply with an administrative or court order imposing a child support obligation. MACSS reports show that Humphrey failed to comply with two judicial child support orders and owed a total of \$24,201.84 in arrears.
32. The above-described instances are grounds upon which the Director may refuse to issue Humphrey a resident insurance producer license.
33. The Director has considered Humphrey's history and all of the circumstances surrounding Humphrey's application and exercises her discretion to refuse to issue Humphrey's license.
34. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the license Application of **William Stacey Humphrey** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 18<sup>th</sup> DAY OF December, 2020.



*Chlora Lindley-Myers*

**CHLORA LINDLEY-MYERS, Director**  
Missouri Department of Commerce and  
Insurance

**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 18th day of December, 2020, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

William Stacey Humphrey  
249 Bentwood Lane  
St. Peters, MO 63376

Tracking No. 1Z0R15W84295268208



\_\_\_\_\_  
Kim Landers  
Missouri Department of Commerce and  
Insurance  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.6515  
Facsimile: 573.526.5492