



State of Missouri

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

IN RE:)
)
JONATHAN DAVID HAYES,) **Case No. 150217107C**
)
Applicant.)

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

On April 3, 2015, Tamara W. Kopp, counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue an individual resident insurance producer license to Jonathan David Hayes. 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. Jonathan David Hayes (“Hayes”) is a Missouri resident with a residential address of 14850 Homestead Estates Drive, Florissant, MO 63034.
2. The Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Hayes’ “Uniform Application for Individual Producer License/Registration” on or about August 29, 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. Hayes accepted the “Attestation” section of the Application.
5. Background Question No. 7 of the Application asks, in relevant part:
Do you have a child support obligation in arrearage?
7A. If you answer yes, a) by how many months are you in arrearage?

6. Hayes indicated "Yes" in response to Background Question No. 7 and answered "12" in response to Background Question 7A.

7. Hayes also submitted a written statement with his Application where he claimed to have "been paying regularly until mid 2013."

8. Beginning in April 2004, Hayes was subject to a child support court order requiring that he pay \$347 monthly. At the time Hayes submitted his Application, Hayes owed a balance of \$27,482.64, or approximately 79 months' child support. *Hayes v. Wright*, St. Louis Co. Cir. Ct., Case No. 2103FC-03480.

9. Missouri Department of Social Services, Family Support Division records indicate that, as of March 23, 2015, Hayes has made no payments in the past thirteen (13) months and currently owes \$29,991.64. Hayes did make seven monthly payments in 2013, but he made no payments in 2006, 2007, 2008, and 2009, and his payments have been sporadic from the start.¹

10. It is inferable and hereby found as fact, that Hayes falsely answered "12" to Background Question No. 7A in order to intentionally provide materially incorrect, misleading, incomplete, or untrue information and to materially misrepresent to the Director that he owed a lesser child support arrearage, and, accordingly to improve the chances the Director would approve his Application and issue him an insurance producer license.

CONCLUSIONS OF LAW

11. Section 375.141 RSMo (Supp. 2013)² 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;

* * *

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;

* * *

¹ Missouri Department of Social Services, Family Support Division, Child Support Enforcement, Case No. 71032238.

² All statutory references are to the RSMo (2000) as updated by the 2013 Supplement, unless otherwise indicated.

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

12. 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).

13. The Director may refuse Hayes' individual resident insurance producer license pursuant to § 375.141.1(1) because Hayes intentionally provided materially incorrect, misleading, incomplete, or untrue information in the license application when he substantially underreported his child support arrearage. Hayes represented on his Application that he was 12 months behind on his child support payments. If Hayes were 12 months behind, his total arrearage would be \$4,164. At the time he submitted his Application, Hayes owed a total of \$27,482.64 in arrears. Hayes minimized his child support arrearage and thus provided materially incorrect, misleading, incomplete, or untrue information. Hayes' written statement further misrepresented his child support arrearage by suggesting he was "paying regularly until mid 2013." Hayes did make seven monthly payments in 2013, but he made no payments in 2006, 2007, 2008, and 2009, and his payments have been sporadic from the start.

14. The Director may refuse Hayes' individual resident insurance producer license pursuant to § 375.141.1(3) because Hayes attempted to obtain a license through material misrepresentation or fraud when he materially underreported his child support arrearage. Hayes provided a misleading answer regarding his child support arrearage for the purpose of representing to the Director that Hayes was only one year behind on his child support and, accordingly, to improve the chances that the Director would approve Hayes' Application and issue him an insurance producer license.

15. The Director may refuse Hayes' individual resident insurance producer license pursuant to § 375.141.1(13) because Hayes failed to comply with an administrative or court order imposing a child support obligation. Since April 2004, Hayes has been obligated to pay \$347.00 per month for one child. *Hayes v. Wright*, St. Louis Co. Cir. Ct., Case No. 2103FC-03480. At the time he submitted his Application, Hayes owed \$27,482.64 in arrears. And as of March 10, 2015, Hayes owes a total of \$29,564.64 in arrears. While Hayes has made some payments, over time Hayes has amassed a substantial arrearage that shows his ultimate failure to comply with an administrative or court order imposing a child support obligation.

16. The above-described instances are grounds upon which the Director may refuse to issue an individual resident insurance producer license to Hayes. Hayes has failed to fully comply with a child support obligation to the point that he is nearly \$30,000 in arrears. Hayes disclosed his child support obligations, but he understated the amount of money that he owes in an apparent effort to persuade the Director to approve his Application.

17. The Director has considered Hayes' history and all of the circumstances surrounding his Application. As such, granting Hayes an individual 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 Hayes an individual resident insurance producer license.

18. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the application for an individual resident insurance producer license of **JONATHAN DAVID HAYES** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 3 DAY OF APRIL, 2015.



A handwritten signature in black ink, reading "John M. Huff", is written over a horizontal line.

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 6th day of April, 2015, a copy of the foregoing notice and order was served upon Jonathan David Hayes in this matter by UPS, signature, at the following address:

Jonathan David Hayes
14850 Homestead Estates Drive
Florissant, MO 63034

Tracking No. 1Z0R15W84296089098



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