



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)	
)	
PHILLIP NICKOLAS)	
JACKSON III,)	Case No. 2109221116
)	
Applicant.)	

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

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance (“Department”), 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. Phillip Nickolas Jackson III (“Jackson”) is a Missouri resident, whose residential and mailing address is 1301 South Illinois Avenue, Unit B, Republic, Missouri 65738, and whose business address is 5008 North 22nd Street, Ozark, Missouri 65721.
2. On August 16, 2021, the Department received Jackson’s application for a resident insurance producer license (“Application”).
3. Background Question Number 1A of the Application asks, in relevant part:

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

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

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)[.]

5. Jackson answered “Yes” to Background Question Number 1A regarding misdemeanors and “Yes” to Background Question Number 1B regarding felonies on his Application.

6. Jackson submitted information documenting one felony conviction:

a. On October 20, 2015, Jackson pled guilty to the Felony of Robbery with a Firearm, in violation of 21 O.S. § 801.¹ *State of Oklahoma v. Phillip Nickolas Jackson III*, District Court of Oklahoma County, Oklahoma, Case No. CF-2015-5132. The Court sentenced Jackson to a term of fifteen years’ incarceration in the Department of Corrections, suspended execution of this sentence, and sentenced Jackson to five years’ incarceration and ten years’ supervised probation. *Id.* As of the date of this petition, Jackson remains on supervised probation in this case until September 27, 2029. *Id.*

7. Jackson submitted information documenting two misdemeanor convictions:

a. On December 11, 2015, Jackson pled guilty to one count of the Misdemeanor of Possession of a Controlled Dangerous Substance, in violation of 63 O.S. § 2-402, and one count of the Misdemeanor of Unlawful Possession of Drug Paraphernalia, in violation of 63 O.S. § 2-405. *State of Oklahoma v. Phillip Jackson III*, District Court of the Sixth Judicial District, Grady County, Oklahoma, Case No. CM-2015-330. The Court sentenced Jackson to a term of one year’s incarceration in the Department of Corrections for each count, to run concurrent with each other and Case No. CF-2015-5132. *Id.*

¹ All criminal statutory references are to the version of the Oklahoma Statutes in effect at the time of the commission of the crime.

CONCLUSIONS OF LAW

8. Section 375.141.1, RSMo (2016)² states, in relevant 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:

* * *

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

9. The Director may refuse to issue an insurance producer license to Jackson under § 375.141.1(6) because Jackson has been convicted upon a plea of guilty of a felony, namely Robbery with a Firearm. *State of Oklahoma v. Phillip Nickolas Jackson III*, District Court of Oklahoma County, Oklahoma, Case No. CF-2015-5132.
10. The Director may refuse to issue an insurance producer license to Jackson under § 375.141.1(6) because Jackson has been convicted of a crime of moral turpitude. Specifically, Jackson has been convicted of Robbery with a Firearm. *State of Oklahoma v. Phillip Nickolas Jackson III*, District Court of Oklahoma County, Oklahoma, Case No. CF-2015-5132.
11. “Moral turpitude has been defined as an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything done contrary to justice, honesty, modesty, and good morals.” *Brehe v. Missouri Dept. of Elementary and Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. 2007) (internal citations omitted). A crime of moral turpitude reflects “adversely on...honesty and trustworthiness and undermines public confidence[.]” *Id.*, at 726.
12. There are three categories of crimes of moral turpitude; Category One crimes that necessarily involve moral turpitude, Category Two crimes “so obviously petty” that they do not involve moral turpitude, and Category Three crimes that “may be saturated with moral turpitude.” *Id.* at 725.

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

13. "Robbery in the first degree is ... a Category 1 crime necessarily involving moral turpitude." *Michael S. Ide v. Director of Dept. of Insurance, Financial Institutions, and Professional Registration*, No. 12-0105 DI (Mo. Admin. Hrg. Comm'n April 2, 2012).
14. Each felony conviction and crime of moral turpitude is a separate and sufficient ground for the Director to refuse to issue an insurance producer license to Jackson under § 375.141.1(6).
15. The Director has considered Jackson's history and all of the circumstances surrounding Jackson's Application and exercises her discretion to refuse to issue Jackson an insurance producer license.
16. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of **PHILLIP NICKOLAS JACKSON III** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 07th DAY OF June, 2022.



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 7th day of June, 2022, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Phillip Jackson III
1301 South Illinois Avenue, Unit B
Republic, Missouri 65738

Tracking No. 1Z0R15W84298939693



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