



**DIRECTOR OF THE DEPARTMENT  
OF COMMERCE AND INSURANCE,  
STATE OF MISSOURI,** )  
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 )  
 )  
**Petitioner,** )  
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 )  
**v.** )  
 )  
 )  
**ERICA NICHOLE MICKLE,** )  
 )  
 )  
**Respondent.** )  
 )

**DCI Case No. 2110291132H  
AHC Case No. 21-1453**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

Based on the competent and substantial evidence on the whole record, I, Chlora Lindley-Myers, Director of the Missouri Department of Commerce and Insurance (“Director” of the “Department”), hereby issue the following Findings of Fact, Conclusions of Law and Order of Discipline:

**FINDINGS OF FACT**

1. Chlora Lindley-Myers is the duly appointed Director of the Department whose duties, pursuant to Chapters 374 and 375 include the supervision, regulation, and discipline of insurance producers. *See generally, Chapters 374 and 375.*

2. Erica Nichole Mickle (“Mickle”) holds a non-resident insurance producer license.

3. On April 20, 2021, the Director filed her Complaint with the Administrative Hearing Commission (“Commission”) seeking a finding by the Commission that the Director had cause, pursuant to § 375.141.1(1), (2), (3), and (6),<sup>1</sup> to discipline Mickle’s insurance producer license.

4. The Commission served Mickle with a copy of the Complaint and its Notice of Hearing. Mickle did not file an Answer to the Complaint.

5. On July 14, 2021, following discovery, the Director filed her Motion for Summary Decision, arguing that the Director had cause to discipline Mickle’s license. Mickle did not respond to the Motion. On September 9, 2021, the Commission entered its Decision granting the Director’s Motion for Summary Decision and finding that the Director had cause to discipline Mickle’s insurance producer license pursuant to § 375.141.1(1), (2), (3), and (6). *Director of Department of Commerce & Insurance v. Erica Nichole Mickle*, Case No. 21-1453 (Mo. Admin. Hrg. Comm’n September 9, 2021).

6. In its Decision, the Commission found the following facts:

- a. On October 29, 2019, Mickle, a South Carolina resident, submitted an electronic application for a non-resident insurance producer license (“2019 Application”). *Id.*

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<sup>1</sup> All citations are to the Revised Statutes of Missouri 2016 unless otherwise noted.

- b. In response to Background Question No. 1A on the 2019 Application which asks if the applicant has ever been charged with or convicted of a misdemeanor, Mickle answered “No.” *Id.*
- c. In response to Background Question No. 1B on the 2019 Application, which asks if the applicant has ever been charged with or convicted of a felony, Mickle answered “Yes” and indicated that she had pled guilty to and had been convicted in South Carolina of armed robbery, a felony, and had been sentenced to five years’ imprisonment. The court suspended execution of sentence and placed Mickle on three years’ probation. *Id.*
- d. The Director investigated Mickle’s 2019 Application and discovered that she had also been convicted of two misdemeanors in South Carolina. On January 29, 2001, Mickle pled guilty to and was convicted of possession of crack cocaine. The court sentenced her to 60 days in the county jail or a \$200 fine. On January 25, 2011, Mickle pled guilty to and was convicted of shoplifting. The court sentenced Mickle to a fine. *Id.*
- e. Between November 19, 2019 and January 7, 2020, Special Investigator Karen Crutchfield, with the Department’s Consumer Affairs Division (“Division”), sent Mickle three letters asking why she had failed to disclose her two misdemeanor charges and convictions. Crutchfield also asked Mickle to provide certified copies of the court records showing her convictions. Crutchfield’s inquiry letters made it clear that a response to the letters were due within 20 days and that failure to respond could result in

disciplinary action. Mickle never responded to any of the three inquiry letters. *Id.*

- f. On July 31, 2020, while her 2019 Application was still pending before the Director, Mickle submitted a second electronic application for a non-resident insurance producer license to the Department (“2020 Application”). Mickle answered “No” to both Background Questions No. 1A and 1B on the 2020 Application, indicating that she had never been charged with or convicted of either a felony or a misdemeanor. *Id.*
- g. On July 31, 2020, relying on the information and answers that Mickle provided in the 2020 Application, the Director issued Mickle a non-resident insurance producer license that was to expire on July 31, 2022. *Id.*
- h. On December 23, 2020, the Director entered her Order refusing to issue a license to Mickle in response to the 2019 Application (“Refusal Order”), citing § 375.141.1(1), (2), (3), and (6) and 20 CSR 100-4.100(2)(A). Mickle had been convicted of a felony and two misdemeanors that were also crimes involving moral turpitude, she failed to disclose her two misdemeanor convictions, thereby intentionally providing materially incorrect, misleading, incomplete or untrue information in her 2019 Application, and she failed to respond to three inquiry letters, thereby violating a rule promulgated by the Director, 20 CSR 100-4.100(2)(A). *Id.*
- i. On December 29, 2020, the Director served the Refusal Order on Mickle. Mickle did not appeal the Refusal Order to the Commission. *Id.*

7. On October 14, 2021, the Commission certified the record of its proceeding to the Director pursuant to § 621.110.

8. On November 1, 2021, the Director issued a Notice of Hearing setting the matter for a hearing on what discipline, if any, to impose on Mickle. (Transcript, Disciplinary Hearing (“Tr.”), 4). On November 2, 2021, the Department sent a Notice of Hearing to Mickle.

9. On December 15, 2021, the Director, through her Hearing Officer Cheryl C. Nield, (“Hearing Officer”), held a disciplinary hearing to determine the appropriate disciplinary action, if any, to be taken against Mickle’s insurance producer license (Tr. 4). Mickle did not appear at the hearing. (Tr. 5-6). Legal Counsel Shelley A. Woods appeared on behalf of the Division, and Karen Crutchfield, Special Investigator for the Division, testified (Tr. 4-5, 10-13).

10. During the hearing, the Hearing Officer took official notice of the Commission’s certified record and entered it into the record in the disciplinary hearing. (Tr. 9, Exhibit A). The Hearing Officer also took official notice of the Notice of Hearing sent to Mickle via United Parcel Service (“UPS”), and the notification of service provided by UPS confirming that UPS had sent and Mickle had received the Notice of Hearing (Tr. 9-10, Exhibits B, C and D).

11. At the close of the hearing, based on the evidence offered and entered into the record, counsel for the Division requested that the Director enter her Order revoking Mickle’s insurance producer license (Tr. 12-14).

## CONCLUSIONS OF LAW

12. Section 621.110 outlines the procedure after the Commission finds cause to discipline a license. That statute provides, in relevant part:

Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee . . . the commission shall deliver or transmit by mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with the commission's findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency. . . . Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing[.] . . . The licensee may appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law.

13. Where an agency seeks to discipline a license, the Commission “finds the predicate facts as to whether cause exists” for the discipline, and then the agency “exercises final decisionmaking authority concerning the discipline to be imposed.” *State Board of Reg’n for the Healing Arts v. Trueblood*, 368 S.W.3d 259, 267-68 (Mo. App. W.D. 2012).

14. Section 374.051.2, relating to a proceeding to revoke or suspend a license, states, in relevant part:

If a proceeding is instituted to revoke or suspend a license of any person under sections 374.755, 374.787, and 375.141, the director shall refer the matter to the administrative hearing commission by directing the filing of a complaint. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in such cases. The director shall have the burden

of proving cause for discipline. If cause is found, the administrative hearing commission shall submit its findings of fact and conclusions of law to the director, who may determine appropriate discipline.

15. The Director has discretion to discipline Mickle's insurance producer license, including the discretion to revoke such license. Sections 374.051.2, 375.141, and 621.110.

16. The principal purpose of § 375.141 is not to punish licensees, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

17. Section 375.141.1 provides, in relevant part, as follows:

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[.]

18. A regulation of the Director, 20 CSR 100-4.100(2)(A), provides in relevant part:

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 . . . . When the requested response is not produced by the person within twenty (20)

days, this nonproduction is deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay[.]

19. Section 621.110 authorizes the Department to receive evidence relevant to the appropriate disciplinary action, from Mickle or any other source, including the Division.

20. Based on the Commission's finding of cause for discipline and the nature and severity of the aforementioned conduct, the revocation of Mickle's insurance producer license pursuant to § 375.141.1(1), (2), (3), and (6) is appropriate.

21. This Order is in the public interest.

**ORDER**

Based on the foregoing findings and conclusions, the insurance producer license of Erica Nichole Mickle (License No. 3000918795) is hereby **REVOKED**.

**SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS** 17<sup>th</sup> **DAY**  
**OF** August, 2022.



Chlora Lindley-Myers, Director  
Missouri Department of  
Commerce and Insurance





**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of August, 2022, a copy of the foregoing Findings of Fact, Conclusions of Law and Order was served by United Parcel Service, with signature required, and by first class mail, postage prepaid, to the following:

Erica Nichole Mickle  
1621 Langwater St.  
Columbia, South Carolina 29203

Tracking No. 1Z0R15W83596965109

and by hand delivery to:

Shelley A. Woods  
Counsel for the Consumer Affairs Division  
Missouri Department of Commerce and Insurance



Kathryn Latimer, Paralegal  
Missouri Department of Commerce and Insurance  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)