

DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:

TIMOTHY JOHN SPEER,

Applicant.

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Case No. 1912061091C

ORDER REFUSING TO RENEW RESIDENT 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 and the Investigative Report and its attachments, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Timothy John Speer ("Speer") is a Missouri resident with a reported business, residence and mailing address of 6733 Highway F, Farmington, Missouri 63640-7343.
2. On September 30, 2019, the Department received Speer's electronic application to renew his resident insurance producer license (Application) along with certain attachments.
3. However, Speer's application to renew should have been filed on or before August 2, 2019.
4. Background Question No. 1.B. states as follows:

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? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)
5. Speer answered "Yes" to Background Question No. 1.B. and attached certain documents to the Application.

7. Because of his answer to Background Question No. 1.B., his Application was referred to the Department's Consumer Affairs Division ("Division") for investigation.
8. On October 21, 2019, Angie Gross ("Gross"), Special Investigator with the Division, sent an inquiry letter via email to Speer asking for a certified copy of the records attached to Speer's Application, an explanation why he did not report the felony conviction as required by § 375.141.7, RSMo 2016,¹ and for additional details regarding the incident leading to the felony conviction. The inquiry letter cited 20 CSR 100-4.100 and also reminded Speer that because his license expired on August 2, 2019, he was required to refrain from the business of insurance.
9. On November 4, 2019, Speer responded to Gross' email with an explanation for the failure to report the felony conviction and additional details relating to the incident. Speer did not provide certified copies of the requested records until December 2, 2019.
10. The documents provided and the Division's investigation revealed that on November 4, 2016, while conducting an online investigation into a peer-to-peer file sharing network, law enforcement officers located a particular Internet Protocol (IP) address that referenced images of suspected child pornography. Officers were able to directly connect to the IP address and download 44 images that the IP address was making available. The officers were able to obtain a search warrant for the account associated with the IP address and learned that it was registered to Speer.
11. The Division's investigation and the documents provided further revealed that on January 30, 2017, officers served a search warrant on Speer's residence. Speer told the officers he only had two electronic devices, an iPhone and iPad. However, the search of the residence found a laptop located in a closet. Speer then admitted that the laptop was his.
12. A forensic examination of the laptop located child pornography in the laptop's recycler; images of child erotica were located in unallocated drive space; numerous internet artifacts were located indicating instances of searching and downloading peer-to-peer software; jump lists and recent link files indicated repeated instances of opening files with file names that were consistent with child pornography; internet record reports indicated searches using keywords that were consistent with searches for child pornography; numerous terms consistent with child pornography/erotica viewing were present; and internet views of image hosting sites that hosted pictures of child erotica from internet browsing records were located.
13. The investigation of the incident documented by the Division and the records was conducted by the Missouri State Highway Patrol, the Perry County, Missouri Sheriff's Office and the Federal Bureau of Investigation.
14. On April 21, 2017, a grand jury sitting in the United States District Court, Eastern District of Missouri, Southeastern Division, filed an Indictment charging Speer with knowingly possessing visual depictions of child pornography that had been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate

¹ All statutory references are to RSMo 2016 unless otherwise noted.

or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, § 2252A(a)(5)(B) and punishable under Title 18, United States Code, § 2251A(b)(2). *United States of America v. Timothy John Speer*, U.S. Dist. Ct., E. Dist., Case No. 1:17CR00040SNLJ.

15. On May 23, 2017, Speer was taken into federal custody. Related state charges were dismissed following the federal grand jury indictment.
16. On February 28, 2018, Speer pled guilty to count one of the Indictment, Possession of Child Pornography, a felony. *Id.*
17. On May 29, 2018, the United States District Court, Eastern District, entered its Judgment in a Criminal Case adjudicating Speer guilty of Possession of Child Pornography, pursuant to 18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2). The Court ordered Speer committed to the custody of the Federal Bureau of Prisons to be imprisoned for a period of 24 months. The Court also sentenced Speer to be placed on supervised release, with mandatory, standard and special conditions of supervision, for a period of ten (10) years following his release from prison. *Id.*
18. Speer was released from federal imprisonment on August 26, 2019, and remains on supervised release until May 29, 2028. *Id.*
19. Speer is a registered sex offender on the Missouri Sex Offender Registry.
20. Although the federal Presentence Investigation Report notes that Speer accepted responsibility for the offense, the explanation Speer attached to the Application states that the “factors that led to this incident were purely accidental and I am working with lawyers to get this taken off my record[,]” which statement is at odds with accepting responsibility for the offense.

CONCLUSIONS OF LAW

21. Section 375.141 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:

* * *

 - (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;

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

* * *

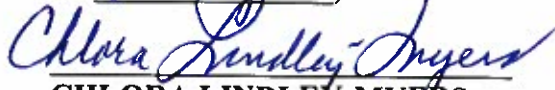
7. Within thirty days of the initial pretrial hearing date, a producer shall report to the director any criminal prosecution for a felony or a crime involving moral turpitude of the producer taken in any jurisdiction. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant legal documents.
22. The Director may refuse to renew Speer's resident insurance producer license pursuant to § 375.141.1(2) because he failed to report his criminal prosecution for a felony within thirty days of the initial pretrial hearing date and failed to include a copy of the indictment and all other relevant documents with the report, all in violation of § 375.141.7.
23. The Director may refuse to renew Speer's resident insurance producer license pursuant to § 375.141.1(6) because Speer has been convicted of a felony.
24. The Director may refuse to renew Speer's resident insurance producer license pursuant to § 375.141.1(6) because Speer has been convicted of a crime involving moral turpitude.
25. The Director has considered Speer's history and all of the circumstances surrounding Speer's Application, and exercises her discretion to refuse to renew Speer's resident insurance producer license.
26. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the Application to renew the resident insurance producer license of **Timothy John Speer** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 18th DAY OF February, 2020.


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.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February, 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:

Timothy John Speer
6733 Highway F
Farmington, Missouri 63640-7343

Tracking No. 1Z0R15W84291536005


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