



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:

MELINDA S. PARKER,
Applicant.

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Case No. 121106582C

ORDER REFUSING TO ISSUE
INSURANCE PRODUCER LICENSE

On November 19, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Melinda S. Parker. 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. Melinda S. Parker ("Parker") is an individual residing in Missouri, whose residential and mailing address of record is 634 SE Joel Avenue, Lee's Summit, Missouri 64063.
2. Between August 2001 and December 22, 2003, Parker devised a scheme to defraud Target Stores, Inc., and Wal-Mart, Inc., by replacing bar codes for expensive items with bar codes for cheaper items causing a loss of over \$200,000. Parker sold the items on eBay for a profit. As part of the scheme, Parker mailed a package on September 11, 2003, from Kansas City, Missouri containing stolen property. On October 14, 2005, Parker entered into a Plea Agreement, admitting to the above described conduct. On April 10, 2006, the court sentenced Parker to 21 months imprisonment for one count of mail fraud in violation of 18 U.S.C. 1341, a Class C Felony; she served 18 months in prison and was released in November 2007. Parker completed probation in November 2010. United States v. Melinda S. Parker, U.S. Dist. Ct., W.D. Mo., No. 05-00365-01-CR-W-HFS.
3. Prior to completing probation, Parker applied for a Missouri insurance producer license, which the Director denied on May 27, 2009, pursuant to

§ 375.141.1(6) and (8) because Parker had been convicted of a felony and a crime involving moral turpitude and because Parker's acts constituted fraudulent and dishonest practices, and demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business. *In the Matter of: Melinda S. Parker*, Case No. 09-0511526C.

4. On or about October 10, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a Uniform Application for Individual Insurance Producer License ("Application") from Parker.

CONCLUSIONS OF LAW

5. Section 375.141.1 RSMo (Supp. 2012), provides, in 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;

* * *

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere[.]

6. 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'." *In Re Frick*, 694 S.W.2d 473, 479 (Mo. 1985).
7. "Mail fraud is a Category 1 crime that necessarily involves moral turpitude." *Director of Ins., Fin. Insts. & Prof'l Reg'n v. Pang*, Case No. 11-1330 DI (Mo. Admin. Hrg. Comm'n Nov. 9, 2011).
8. 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. 1984).

9. Parker may be refused an insurance producer license pursuant to § 375.141.1(6) RSMo (Supp. 2012), because she was convicted of felony mail fraud. *United States v. Melinda S. Parker*, U.S. Dist. Ct., W.D. Mo., No. 05-00365-01-CR-W-HFS.
10. Parker may be refused an insurance producer license pursuant to § 375.141.1(6) RSMo (Supp. 2012), for her conviction in federal court for Mail Fraud, an offense defined in 18 U.S.C. § 1341, in that the acts constituting the offense are contrary to justice, honesty and good morals, and the offense is therefore a crime of moral turpitude. "Mail fraud is a Category 1 crime that necessarily involves moral turpitude." *Director of Ins., Fin. Insts. & Prof'l Reg'n v. Pang*, Case No. 11-1330 DI (Mo. Admin. Hrg. Comm'n Nov. 9, 2011).
11. Parker may be refused an insurance producer license pursuant to § 375.141.1(8) RSMo (Supp. 2012), based on her scheme which resulted in a conviction in federal court for Mail Fraud, an offense defined in 18 U.S.C. § 1341, in that the acts constituting the offense also constitute fraudulent or dishonest practices, and demonstrate incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere. *Director of Ins. v. Soriano*, Case No. 04-0067 DI (Mo. Admin. Hrg. Comm'n Aug. 26, 2004) (finding cause to discipline an insurance producer convicted of mail fraud).
12. Parker's conviction concerns a crime involving fraud. Parker's conduct indicates a substantial risk to the public should Parker receive an insurance producer license, as licensed producers must be worthy of trust and honest in their filling out and submission of insurance-related forms and acceptance of premiums. Parker pled guilty to and was convicted of a felony that is also a crime of moral turpitude. Licensure of Parker would not be in the public interest, and, accordingly, the Director has exercised his discretion to refuse to issue Parker an insurance producer license.
13. Granting Parker's resident insurance producer license would not be in the public interest.
14. This Order is in the public interest.


ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of MELINDA S. PARKER is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 21st DAY OF DECEMBER, 2012.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

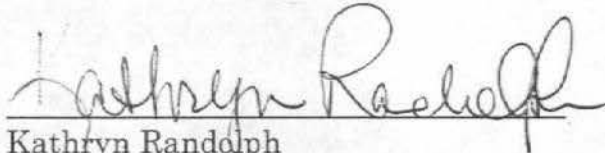
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 December, 2012 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following addresses:

Melinda S. Parker
634 SE Joel Avenue
Lee's Summit, Missouri 64063

Certified No. 7009 3410 0001 9255 5931



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