



**DEPARTMENT OF COMMERCE AND INSURANCE**

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

IN RE: )  
 )  
 DWAYNE LAMAR SCOTT, JR. ) Case No. 1909250970C  
 )  
 Applicant. )

**ORDER REFUSING TO ISSUE  
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, 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. Dwayne Lamar Scott, Jr. ("Scott") is a Missouri resident with a business, residential, and mailing address of 3857 Kentucky Derby Drive, Florissant, Missouri 63034.
2. On March 18, 2019, the Department of Insurance, Financial Institutions and Professional Registration ("Department")<sup>1</sup> received Scott's completed electronic Application for Insurance Producer License ("Application").
3. On and with the Application, Scott disclosed a felony conviction and provided court records that revealed the following:

<sup>1</sup> On August 28, 2019, the Missouri Department of Insurance, Financial Institutions and Professional Registration was renamed to the Missouri Department of Commerce and Insurance.

- a. On May 28, 2013, Scott pled guilty to and was convicted upon a plea of guilty of one count of Statutory Rape in the First Degree, an unclassified felony, in violation of § 566.032 RSMo.<sup>2</sup> *State v. Dwayne Lamar Scott Jr.*, St. Louis County Cir. Ct., Case No. 11SL-CR05158-01. The court sentenced Scott to 7 years' incarceration in the Missouri Department of Corrections, suspended execution of sentence, and placed Scott on a five-year term of supervised probation. *Id.* Scott was also required to register as a sex offender. *Id.* Scott successfully completed and was released from probation, effective May 27, 2018. *Id.*

### CONCLUSIONS OF LAW

4. Section 375.141 provides, 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:

\* \* \*

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

5. The Director may refuse to issue Scott a resident insurance producer license pursuant to § 375.141.1(6) because Scott has been convicted of a felony. More particularly, Scott was convicted of one count of Statutory Rape in the First Degree. *State v. Dwayne Lamar Scott Jr.*, St. Louis County Cir. Ct., Case No. 11SL-CR05158-01.
6. The Director may refuse to issue Scott a resident insurance producer license pursuant to § 375.141.1(6) because Scott has been convicted of a crime involving moral turpitude. *See Brehe v. Missouri Dept. of Elementary & Secondary Educ.*, 213 S.W.3d 720 at 725 (Mo. App. W.D. 2007) (“the General Assembly considered some offenses to be category 1 crimes—that is ... they are crimes that necessarily involve moral turpitude. In such cases, such as first degree murder, rape, and many others enumerated in the statute ... it is necessary only for the Department to show that there was a conviction or a guilty plea, whether or not sentence was imposed.”) More particularly, Scott was convicted of one count of Statutory Rape in the First Degree. *State v. Dwayne Lamar Scott Jr.*, St. Louis County Cir. Ct., Case No. 11SL-CR05158-01.
7. The above-described instances are grounds upon which the Director may refuse to issue Scott a resident insurance producer license.

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<sup>2</sup> All criminal statutory references are to those in effect at the time Scott committed the offense.

8. The Director has considered Scott's history and all of the circumstances surrounding Scott's Application. Issuing a resident insurance producer license to Scott would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Scott a resident insurance producer license.
9. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the resident insurance producer license Application of **DWAYNE LAMAR SCOTT, JR.** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 18<sup>th</sup> DAY OF December, 2020.



*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 18<sup>th</sup> day of December, 2020, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following address:

Dwayne Lamar Scott, Jr.  
3857 Kentucky Derby Drive  
Florissant, Missouri 63034

Tracking No. 1Z0R15W84298783815



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