



FINAL ORDER
EFFECTIVE
5-08-2018

State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

IN RE:

JASON T. LAMB,

Applicant.

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Case No. 180223343C

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On March 6, 2018, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the resident insurance producer license application of Jason T. Lamb. After reviewing the Petition, 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. Jason T. Lamb (“Lamb”) is a Missouri resident with a business, mailing, and residential address of 19708 East 11th Terrace North, Independence, Missouri 64056-2731.
2. On July 22, 2017, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Lamb’s electronic application for a resident insurance producer license (“Application”).
3. Lamb admitted “Yes” in response to Background Information Question 1B of the Application which asked, 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?”
4. As further instructed by the Application, Lamb attached a personal letter and court documents disclosing the following prosecutions:
 - a. On December 18, 1998, Lamb was found guilty, pursuant to an earlier plea, of two Class C felonies: Burglary in the Second Degree, in violation of § 569.170, RSMo,¹ and Stealing, in violation of § 570.030. The court sentenced him to three years’ incarceration on each count, but suspended execution of the sentences and ordered Lamb to complete the same durations of supervised probation. *State v. Jason T. Lamb, et al.*, Jackson Co. Cir. Ct., Case No. CR97-08773 (“*Lamb I*”);

¹ All criminal statutory references are to those contained in the version of the Missouri Revised Statutes or United States Code pursuant to which each judgment was rendered.

- b. Also on December 18, 1998, Lamb was found guilty, pursuant to an earlier plea, of Forgery, a Class C felony in violation of § 570.090. The court sentenced him to three years' incarceration, but suspended execution of the sentence and ordered Lamb to complete the same duration of supervised probation. *State v. Jason T. Lamb*, Jackson Co. Cir. Ct., Case No. CR97-09091 ("*Lamb II*");
- c. Also on December 18, 1998, Lamb was found guilty, pursuant to an earlier plea, of two counts of Possession of a Controlled Substance, in violation of § 195.202, one a Class C felony and one a Class A misdemeanor. The court sentenced him to three years' incarceration and one year in jail respectively, but suspended execution of the sentences and ordered Lamb to complete the same durations of supervised probation. *State v. Jason T. Lamb*, Jackson Co. Cir. Ct., Case No. CR98-00931 ("*Lamb III*");²
- d. On February 8, 2006, Lamb was found guilty, pursuant to a plea agreement, of three felonies: Unlawful Possession of Stolen Mail, in violation of 18 U.S.C. § 1708, Possession with the Intent to Distribute 50 Grams or More of Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), & 851, and Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2). The court sentenced him to 40 months' incarceration on each count, to be served concurrently. *United States v. Jason T. Lamb*, U.S. Dist. Ct., W.D. Mo., Case No. 4:05-CR-00085 ("*Lamb IV*");
- e. On August 25, 2006, Lamb pled guilty to, and was convicted of, two counts of Possession of a Controlled Substance, in violation of § 195.202, one a Class C felony and one a Class A misdemeanor. The court sentenced him to three years' incarceration and 120 days in jail respectively. *State v. Jason T. Lamb*, Jackson Co. Cir. Ct., Case No. 0516-CR00212 ("*Lamb V*");
- f. Also on August 25, 2006, Lamb pled guilty to, and was convicted of, Possession of a Controlled Substance, a Class C felony in violation of § 195.202, and Unlawful Use of Drug Paraphernalia, a Class A misdemeanor in violation of § 195.233. The court sentenced him to three years' incarceration and 120 days in jail respectively. *State v. Jason T. Lamb*, Jackson Co. Cir. Ct., Case No. 0516-CR00214 ("*Lamb VI*");
- g. Also on August 25, 2006, Lamb pled guilty to, and was convicted of, Possession of a Controlled Substance, a Class C felony in violation of § 195.202, and Unlawful Use of Drug Paraphernalia, a Class A misdemeanor in violation of § 195.233. The court sentenced him to three years' incarceration and 120 days in jail respectively. *State v. Jason T. Lamb*, Jackson Co.

² The Jackson County Circuit Court ordered that all sentences in *Lamb I*, *Lamb II*, and *Lamb III* be served concurrently.

5. The Information in *Lamb II* alleged that Lamb had, “with the purpose to defraud[,] used as genuine a certain writing ... and at that time the defendant knew that this writing had been made so that it purported to have a genuineness that it did not possess.”
6. On October 11, 2017, Special Investigator Karen Crutchfield with the Consumer Affairs Division of the Department (“Special Investigator Crutchfield” of the “Division”) sent Lamb an inquiry letter by first-class mail, postage prepaid, requesting more information and documents regarding his criminal history. The letter advised Lamb that “[p]ursuant to 20 CSR 100-4.100(2)(A), [his] adequate response is due in twenty days.”
7. The October 11, 2017 inquiry letter was not returned to the Division as undeliverable, or for any other reason; therefore, it is presumed received by Lamb.
8. Lamb did not respond to the October 11, 2017 inquiry letter.
9. On November 6, 2017, Special Investigator Crutchfield sent a second inquiry letter to Lamb by the same method, substantially identical to the October 11, 2017 letter except for the addition of a cautionary header: “Second Notice[.]”
10. The November 6, 2017 inquiry letter was not returned to the Division as undeliverable, or for any other reason; therefore, it is presumed received by Lamb.
11. Lamb did not respond to the November 6, 2017 inquiry letter.
12. On November 30, 2017, Special Investigator Crutchfield sent a third inquiry letter to Lamb by certified mail, substantially identical to the October 11, 2017 letter except for the addition of a cautionary header: “Third Notice[.]”
13. The United States Postal Service reported to the Division that it had delivered the November 30, 2017 inquiry letter on December 6, 2017.
14. Lamb did not respond to the November 30, 2017 inquiry letter.
15. Lamb has not demonstrated any reasonable justification for his failure to respond to any of the Division’s inquiry letters.

CONCLUSIONS OF LAW

16. Section 375.141.1, RSMo⁴ provides, in relevant part:

³ The Jackson County Circuit Court ordered that all sentences in *Lamb V*, *Lamb VI*, and *Lamb VII* be served concurrently, and concurrent to the federal sentencing in *Lamb IV*.

⁴ All civil statutory references are to the 2016 Missouri Revised Statutes.

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; [or]
- (7) Having admitted or been found to have committed any insurance unfair trade practice or fraud[.]

17. "A plea of guilty is an admission as to the facts alleged in the information." *Milligan v. State*, 772 S.W.2d 736, 739 (Mo. App. W.D. 1989).
18. "The essential elements of forgery include ... fraudulent intent[.]" *State v. Pride*, 1 S.W.3d 494, 500 (Mo. App. W.D. 1999).
19. "Crimes that necessarily involve moral turpitude" include "frauds[.]" *Brehe v. Missouri Dep't of Elementary & Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007).
20. "Courts invariably find moral turpitude in the violation of narcotic laws." *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985) (internal citations omitted).
21. "Theft has been held to involve moral turpitude." *Id.*
22. Title 20 CSR 100-4.100(2)(A) is a regulation of the Director and provides:

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. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

23. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. E.D. 2000) (internal citation omitted).

24. The Director may refuse to issue Lamb a resident insurance producer license pursuant to § 375.141.1(2) because he thrice violated a regulation of the Director, 20 CSR 100-4.100(2)(A), by failing to respond, without reasonable justification, to any of three inquiry letters from the Division.
25. Each of Lamb's violations of 20 CSR 100-4.100(2)(A) is a separate and sufficient ground for refusal pursuant to § 375.141.1(2).
26. The Director may refuse to issue Lamb a resident insurance producer license pursuant to § 375.141.1(6) because he has been convicted of fourteen felonies or crimes involving moral turpitude, specifically:
 - a. Burglary in the Second Degree, in violation of § 569.170, *Lamb I*;
 - b. Stealing, in violation of § 570.030, *id.*;
 - c. Forgery, in violation of § 570.090, *Lamb II*;
 - d. Possession of a Controlled Substance, in violation of § 195.202, *Lamb III*;
 - e. Possession of a Controlled Substance, in violation of § 195.202, *id.*;
 - f. Unlawful Possession of Stolen Mail, in violation of 18 U.S.C. § 1708, *Lamb IV*;
 - g. Possession with the Intent to Distribute 50 Grams or More of Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), & 851, *id.*;
 - h. Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) & 924(a)(2), *id.*;
 - i. Possession of a Controlled Substance, in violation of § 195.202, *Lamb V*;
 - j. Possession of a Controlled Substance, in violation of § 195.202, *id.*;
 - k. Possession of a Controlled Substance, in violation of § 195.202, *Lamb VI*;
 - l. Unlawful Use of Drug Paraphernalia, in violation of § 195.233, *id.*;
 - m. Possession of a Controlled Substance, in violation of § 195.202, *Lamb VII*;
and
 - n. Unlawful Use of Drug Paraphernalia, in violation of § 195.233, *id.*
27. Each of Lamb's convictions for a felony or crime involving moral turpitude is a separate and sufficient ground for refusal pursuant to § 375.141.1(6).

- 28. The Director may refuse to issue Lamb a resident insurance producer license pursuant to § 375.141.1(7) because he admitted by his guilty plea in *Lamb II*, and was found by the court to have committed, a fraud – specifically, forgery.
- 29. The Director has considered Lamb’s history and all of the circumstances surrounding Lamb’s Application. Issuing Lamb a resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Lamb a resident insurance producer license.
- 30. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of **Jason T. Lamb** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 30th DAY OF March, 2018.



Chlora Lindley Myers
CHLORA LINDLEY-MYERS
**DIRECTOR, Missouri Department of Insurance,
Financial Institutions and Professional Registration**

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 3rd day of April, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Jason T. Lamb
19708 East 11th Terrace North
Independence, Missouri 64056-2731

No. 1Z0R15W84293144667



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