

DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)	
)	
AMBER L. LASHLEY,)	Case No. 1909240966C
)	
Applicant.)	

ORDER REFUSING TO ISSUE 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, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Amber L. Lashley (“Lashley”), is a Missouri resident with a reported residential address of 16 Catamaran Drive, Lake St. Louis, Missouri 63367 and a reported business address of 100 Mall Parkway, Wentzville, Missouri 63385.
2. On March 12, 2019, Lashley submitted an electronic Application for an insurance producer license (“Application”) to the Department of Insurance, Financial Institutions and Professional Registration.¹

¹ On August 28, 2019, the Department of Insurance, Financial Institutions and Professional Registration became the Department of Commerce and Insurance.

3. Background Question No. 1.B. on her Application states:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court.)

4. Lashley answered “Yes” to Background Question No. 1.B. on the Application.

Lashley submitted a document offering her explanation regarding certain criminal charges and convictions and copies of documents for *State v. Amber L. Lashley*, St. Francois Co. Cir. Ct., Case No. 14SF-CR00830-01.

6. The documents provided by Lashley revealed that on October 29, 2014, the St. Francois County Prosecutor charged Lashley with committing the Class B Felony, sale of a controlled substance (Hydrocodone) (Count I); the Class B Felony, sale of a controlled substance (Hydrocodone) (Count II); the Class B Felony, sale of a controlled substance (Lorcet) (Count III); and the Class C Felony, endangering the welfare of a child in the first degree (Count IV). *Id.*

7. The documents provided by Lashley further show that on November 21, 2014, Lashley pleaded guilty to Counts I and II, set out above in paragraph 5. The St. Francois Circuit Court then sentenced Lashley to be confined for a total of ten years on Counts I and II, to run concurrent with her sentence in *State v. Rohlic*, St. Francois Co. Cir. Ct., Case No. 11SF-CR00914-01, suspended execution of that sentence and placed Lashley on supervised probation for five years, with certain conditions. The Prosecutor disposed of Counts III and IV by Nolle Prosequi. *State v. Amber L. Lashley*, St. Francois Co. Cir. Ct., Case No. 14SF-CR00830-01.

8. Lashley’s Application did indicate that she was formerly known as Amber L. Rohlic and Amber L. Polete.

9. The Consumer Affairs Division (“Division”) investigated Lashley’s Application and discovered that in addition to the felony charges and convictions she disclosed on her Application, on June 28, 2012, the St. Francois County Prosecutor charged Lashley with the Class D Felony, driving while intoxicated (Count I); the Class D Felony, attempted escape from custody (Count II); and the Class A Misdemeanor, driving while license was revoked (Count III). On September 19, 2012, Lashley entered a plea of guilty to the charge of driving while intoxicated, the Class D Felony. Also on that date, the St. Francois County Circuit Court sentenced her to four years of confinement, suspended execution of that sentence and placed Lashley on supervised probation, with certain conditions, for a period of five years. The St. Francois County Prosecutor disposed of Counts II and III by Nolle Prosequi. On September 26, 2014, Probation and Parole filed a probation violation, and on November 21, 2014, the court reinstated Lashley’s probation and ordered her to serve 120 days shock time in the St. Francois County jail, with credit for time served. *State v. Rohlic*, St. Francois Co. Cir. Ct., Case No. 11SF-CR00914-01.

10. Additionally, the Division's investigator discovered that on February 23, 2018, the St. Charles County Prosecutor charged Lashley with a Class D Felony, unlawfully receiving public assistance benefits or EBT cards (Count I.) *State v. Amber L. Lashley*, St. Charles Co. Cir. Ct., Case No. 1811-CR-00797. The case is still pending. *Id.*
11. Lashley did not disclose the St. Charles County felony charge on her Application.
12. On May 15, 2019, Dana Whaley, Special Investigator with the Division ("Whaley") sent Lashley a letter pursuant to 20 CSR 100-4.100 seeking information regarding the Class D Felony, driving while intoxicated, *State v. Rohlic*, St. Francois Co. Cir. Ct., Case No. 11SF-CR00914-01. The inquiry letter went on to notify Lashley that she had twenty days to respond and warned her that a failure to respond could result in disciplinary action by the Department. The letter was not returned by the United States Post Office as undeliverable.
13. Because Lashley failed to respond to the May 15, 2019, inquiry letter, on June 11, 2019, Whaley sent Lashley an email with the May 15, 2019, letter as an attachment. Lashley did not respond to the June 11, 2019, email or its attachment.
14. On June 25, 2019, Karen Crutchfield, Special Investigator with the Division ("Crutchfield") sent an inquiry letter to Lashley notifying Lashley that she had taken over the file from Whaley and further seeking information regarding *State v. Rohlic*, St. Francois Co. Cir. Ct., Case No. 11SF-CR00914-01 and the second felony case Lashley had not disclosed on her Application, *State v. Amber L. Lashley*, St. Charles Co. Cir. Ct., Case No. 1811-CR-00797. Crutchfield sent the letter to both of the addresses that appeared on Lashley's Application, her residential address and her business address.
15. The letter sent to the business address of 100 Mall Parkway, Wentzville, Missouri 63385, was returned to Crutchfield as "Not Deliverable as Addressed, Unable to Forward." The letter sent to the residential address of 16 Catamaran Drive, Lake St. Louis, Missouri 63365, was not returned by the United States Post Office as undeliverable.
16. Lashley did not respond to the June 25, 2019, inquiry letter addressed to her residential address and has not demonstrated reasonable cause for any delay.
17. On July 22, 2019, Crutchfield sent a second inquiry letter to Lashley to her reported residential address. The second inquiry letter sought the same information requested in the June 25, 2019, inquiry letter.
18. Crutchfield sent the July 22, 2019, inquiry letter by first class mail, by certified mail and by email. Neither the letter sent by first class mail or by email was returned. The letter sent by certified mail was returned as "Not Deliverable as Addressed, Unable to Forward."
19. Lashley did not respond to the July 22, 2019, second inquiry letter and has not demonstrated reasonable cause for any delay.

20. It is reasonable to infer, and is hereby found as fact, that Lashley did not disclose the September 19, 2012 Class D Felony conviction and the February 23, 2018, Class D Felony charge in order to increase the chances that the Department would issue her a license.
21. “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. 2000) (internal citations omitted).

CONCLUSIONS OF LAW

22. Section 375.141.1, RSMo 2016,² provides, in pertinent 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:

- (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;

* * *

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

23. Section 374.210.1, RSMo provides, in pertinent part:

1. It is unlawful for any person in any investigation, examination, inquiry, or other proceeding under this chapter, chapter 354, or chapters 375 to 385, to:

- (1) Knowingly make or cause to be made a false statement upon oath or affirmation or in any record that is submitted to the director or used in any proceeding under this chapter, chapter 354, and chapters 375 to 385[.]

² All further statutory references are to RSMo 2016 unless otherwise indicated.

24. Rule 20 CSR 100-4.100(2)(A) provides as follows:

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.

25. The Director may refuse to issue a resident insurance producer license to Lashley pursuant to § 375.141.1(1) because Lashley intentionally failed to include three additional felony charges and an additional felony conviction in her Application. *State v. Rohlic*, St. Francois Co. Cir. Ct., Case No. 11SF-CR00914-01; and *State v. Amber L. Lashley*, St. Charles Co. Cir. Ct., Case No. 1811-CR-00797.

26. The Director may refuse to issue a resident insurance producer license to Lashley pursuant to § 375.141.1(2) because Lashley failed to respond to multiple inquiry letters and failed to provide any justification for the delay, in violation of 20 CSR 100-4.100. Additionally, Lashley failed to include in her Application the felony charges and convictions in *State v. Rohlic*, St. Francois Co. Cir. Ct., Case No. 11SF-CR00914-01 and *State v. Amber L. Lashley*, St. Charles Co. Cir. Ct., Case No. 1811-CR-00797 and consequently made a false statement in the Application submitted to the Director in violation of § 374.210.1(1).

27. The Director may refuse to issue a resident insurance producer license to Lashley pursuant to § 375.141.1(3) because while Lashley answered "Yes" to Background Question No. 1.B and did provide some information., she did not disclose her additional felony conviction and charges in *State v. Rohlic*, St. Francois Co. Cir. Ct., Case No. 11SF-CR00914-01 and *State v. Amber L. Lashley*, St. Charles Co. Cir. Ct., Case No. 1811-CR-00797, the inference being and hereby found as fact that she failed to disclose the additional felony charges and convictions in order to obtain a license.

28. The Director may refuse to issue a resident insurance producer license to Lashley pursuant to § 375.141.1(6) because Lashley has been convicted of three felonies. *State v. Amber L. Lashley*, St. Francois Co. Cir. Ct., Case No. 14SF-CR00830-01; and *State v. Rohlic*, St. Francois Co. Cir. Ct., Case No. 11SF-CR00914-0.

29. The above-described instances are grounds upon which the Director may refuse to issue Lashley a resident insurance producer license.

30. The Director has considered Lashley's history and all of the circumstances surrounding Lashley's Application and exercises the Director's discretion to refuse to issue Lashley a resident insurance producer license.

31. This Order is in the public interest.

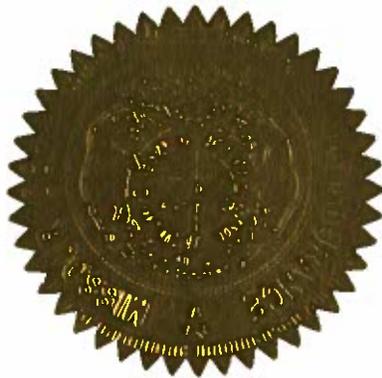
ORDER

IT IS THEREFORE ORDERED that Amber L. Lashley's Application for a resident insurance producer license is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 18th DAY OF February, 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.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March, 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:

Amber L. Lashley
16 Catamaran Drive
Lake St. Louis, Missouri 63367

Tracking No. 1Z0R15W84295931802



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