



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:

Andrew Joseph Wassom,

Applicant.

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Case No. 13-0125090C

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On March 13, 2013, Carolyn H. Kerr, Legal Counsel and Counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue the non-resident insurance producer license of Andrew Joseph Wassom. 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. Andrew Joseph Wassom ("Wassom") is an individual residing in Texas.
2. On or about October 25, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Wassom's electronic nonresident insurance producer license application ("Application").
3. In his Application, Wassom provided a residential and mailing address of 5127 Meadowbrook Drive, Ft. Worth, TX 76112 and provided a business address of 2300 Valley View Ln., Ste. 412, Irving, TX 75062-1801.
4. Background Question No. 1 of the Application asks, in relevant part: "Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?"
5. Wassom marked "Yes" in response to Question No. 1.
6. Wassom provided court documentation with his Application showing that on or about November 10, 2010, Wassom pled guilty to the Class C Misdemeanor of Theft Under 50. The court entered a "Deferred Adjudication Order Proforma" and placed Wassom on Community Supervision for a period of three months with conditions. Wassom's Deferred Adjudication was completed on February 14, 2011. *State of Texas v. Andrew Joseph Wassom*, County Criminal Court, Number 7, Tarrant County, TX, Case No. 1193928.
7. Wassom provided the following documents with his Application:

- a. Three reference letters;
- b. A copy of his resume;
- c. A letter dated July 28, 2011 explaining the circumstances surrounding his 2010 misdemeanor; and
- d. Two letters explaining the circumstances of his juvenile services' record.

8. On November 29, 2012, Special Investigator Karen Crutchfield ("Crutchfield") sent a letter to Wassom's residential address by first class mail asking Wassom to "provide current telephone numbers and/or addresses for the references" that he provided with his Application, and requesting certified copies of court documents and additional information about the misdemeanor theft charge he disclosed with his Application. The letter requested a response within 20 days or by December 19, 2012. The first class mail was not returned to the Department as undeliverable. Wassom did not respond with the requested information or documentation and did not contact the Department in any way to demonstrate a reasonable justification for a delayed response.

9. On December 21, 2012, Crutchfield sent another letter, marked "Second Request," by certified mail and first class mail to Wassom's residential and business addresses asking Wassom to "provide current telephone numbers and/or addresses for the references" that he provided with his Application, and requesting certified copies of court documents and additional information about the misdemeanor theft charge he disclosed with his Application. The letter requested a response within 20 days or by January 10, 2013. The first class mail sent to both addresses was not returned to the Department as undeliverable. The certified mail sent to Wassom's residential address was signed for by "Renita Bell." The certified mail sent to Wassom's business address was returned to the Department as "Return to Sender - No Such Number - Unable to Forward." Wassom did not respond with the requested information or documentation and did not contact the Department in any way to demonstrate a reasonable justification for a delayed response.

10. Crutchfield and Carrie Couch, Chief of Investigations, also attempted to reach Wassom by email on three other occasions, and Crutchfield attempted to call him on one other occasion, but received no response from Wassom.

11. On March 21, 2013, Crutchfield called Wassom and requested additional information regarding the references he provided with his Application. Wassom told Crutchfield that he would obtain the information for her.

12. On March 22, 2013, Crutchfield sent a letter by first class mail to Wassom's residential address of 5127 Meadowbrook Drive, Fort Worth, Texas 76112 asking Wassom for an "update to the references" he provided, including current contact information for each of them. She also requested certified copies of court documents and additional information about the misdemeanor theft charge he disclosed with his Application. The letter requested a response within 20 days or by April 11, 2013. The first class mail sent to Wassom's address was not returned to the Department as undeliverable. Wassom did not respond with the requested information or documentation and did not contact the Department in any way to demonstrate a reasonable justification for a delayed response.

CONCLUSIONS OF LAW

13. Section 375.141 RSMo (Supp. 2012) provides, in 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[.]

14. Title 20 CSR 100-4.100(2)(A) Required Response to Inquiries by the Consumer Affairs Division provides:

(A) 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.

15. The principal purpose of § 375.141 RSMo is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

CAUSE FOR ORDER REFUSING TO ISSUE INDIVIDUAL PRODUCER LICENSE

16. The Director may refuse to issue an insurance producer license to Winn pursuant to § 375.141.1(2) because Wassom violated a Missouri insurance regulation, 20 CSR 100-4.100(2)(A), in that Wassom failed to respond and provide adequate response to the Division's November 29, 2012, December 21, 2012, and March 22, 2013 letters or demonstrate a reasonable justification for a delayed response. Each violation is a separate ground to refuse Wassom's insurance producer license.

17. Wassom has failed to respond to at least three inquiries from the Consumer Affairs Division despite additional efforts to reach him. Granting Wassom a nonresident insurance producer license would not be in the interest of the public. Therefore, in applying his discretion, the Director has considered all of the facts and circumstances surrounding Wassom's Application for an insurance producer license and, for all of the reasons given in this Order, exercises his discretion in refusing to issue Wassom's non-resident insurance producer license.

18. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the non-resident insurance producer license application of ANDREW JOSEPH WASSOM is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 19TH DAY OF APRIL, 2013.



A handwritten signature in black ink, appearing to read "John M. Huff", is written over a horizontal line.

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

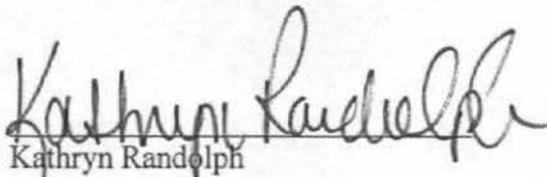
I hereby certify that on this 22nd day of April, 2013, a copy of the foregoing notice and order was served upon Andrew Joseph Wassom in this matter by U.S. mail, postage pre-paid and by certified mail at the following addresses:

Andrew Joseph Wassom
5127 Meadowbrook Drive
Ft. Worth, TX 76112

Certified Mail # 7009 0080 0000 1907 6764

Andrew Joseph Wassom
2300 Valley View Ln., Ste. 412
Irving, TX 75062-1801

Certified Mail # 7009 0080 0000 1907 6771



Kathryn Randolph
Missouri Department of Insurance,
Financial Institutions and Professional Registration
P.O. Box 690
Jefferson City, Missouri 65102
Telephone: (573) 751-2619