



FINAL ORDER
EFFECTIVE
01-09-2018

State of Missouri
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

CHADLY D. ALLNUT,

Applicant.

Case No. 170807341C

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On September 19, 2017, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a resident insurance producer license to Chadly D. Allnut. 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. Chadly D. Allnut ("Allnut") is a Missouri resident with a residential and mailing address of 454 North Morse Avenue, Liberty, Missouri 64068-1524.
2. On November 10, 2016, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Allnut's electronic resident insurance producer license application ("Application").
3. Allnut answered "Yes" to Background 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. In response to further prompts on the Application and a request by Special Investigator Dennis Fitzpatrick of the Department's Consumer Affairs Division ("Special Investigator Fitzpatrick" of the "Division"), Allnut provided court records demonstrating that on April 8, 1996 he was convicted upon a guilty plea to three counts each of Burglary and Stealing, all Class C Felonies. The court sentenced him to three years' incarceration for each crime.¹ *State v. Chad D. Allnut*, Caldwell Co. Cir. Ct., Case No. CR292-118-FX.

¹ The court addressed the counts as three pairs of Burglary-Stealing concurrent sentences, with each pair's three year term of incarceration to be served consecutively to the other pairs'.

5. On February 17, 2017, Special Investigator Fitzpatrick sent Allnut an inquiry letter by first-class mail, postage prepaid, to his residential and mailing address. The inquiry letter asked for additional information and documents regarding Allnut's criminal record and qualifications to conduct insurance business, and warned that failure to respond "in twenty days ... could result in disciplinary action by this Department."
6. The United States Postal Service did not return the Division's February 17, 2017 inquiry letter as being undeliverable, or for any other reason; therefore, Allnut is presumed to have received it.
7. Allnut never responded to the February 17, 2017 inquiry letter.
8. On April 19, 2017, Special Investigator Fitzpatrick sent Allnut a second inquiry letter by the same method. It was substantially identical to the first inquiry letter, except for the cautionary header "**SECOND REQUEST**" and the new date.
9. The United States Postal Service did not return the Division's April 19, 2017 inquiry letter as being undeliverable, or for any other reason; therefore, Allnut is presumed to have received it.
10. Allnut never responded to the April 19, 2017 inquiry letter.
11. Allnut did not demonstrate any reasonable justification for his failure to respond to the Division's inquiry letters.

CONCLUSIONS OF LAW

12. Section 375.141.1, RSMo² provides, in relevant 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:

* * *

- (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state; [or]

* * *

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

² All civil statutory references are to the 2013 Cumulative Supplement of the Missouri Revised Statutes.

13. 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.

14. "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).
15. The Director may refuse to issue Allnut a resident insurance producer license pursuant to § 375.141.1(2) because he violated a regulation of the Director, specifically 20 CSR 100-4.100, when he failed to respond to each of two inquiry letters from the Division and failed to demonstrate reasonable justification for his nonresponsiveness.
16. Each violation of a regulation of the Director is a separate and sufficient cause for refusal pursuant to § 375.141.1(2).
17. The Director may refuse to issue Allnut a resident insurance producer license pursuant to § 375.141.1(6) because he has been convicted of felonies or crimes involving moral turpitude, specifically:
- a. Burglary, a Class C Felony;
 - b. Stealing, a Class C Felony;
 - c. Burglary, a Class C Felony;
 - d. Stealing, a Class C Felony;
 - e. Burglary, a Class C Felony; and
 - f. Stealing, a Class C Felony.
- State v. Chad D. Allnut*, Caldwell Co. Cir. Ct., Case No. CR292-118-FX.
18. Each of Allnut's convictions for a felony or crime involving moral turpitude constitutes a separate and sufficient ground for refusal pursuant to § 375.141.1(6).

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


ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of **Chadly D. Allnut** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 13th DAY OF November, 2017.




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.

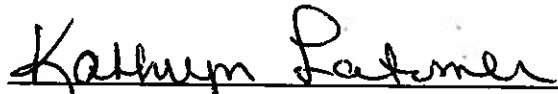
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2017, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by UPS, signature required service, at the following address:

Chadly D. Allnut
454 North Morse Avenue
Liberty, Missouri 64068-1524

No. 1Z0R15W84299960087

A handwritten signature in black ink, reading "Kathryn Latimer", written over a horizontal line.

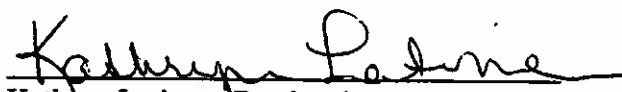
Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of December, 2017, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by USPS, certified mail, at the following address:

Chadly D. Allnut
454 North Morse Avenue
Liberty, Missouri 64068-1524

Certified No. 7016 0340 0001 1319 7883


A handwritten signature in black ink, appearing to read "Kathryn Latimer", is written over a horizontal line.

Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of December, 2017, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by USPS, first class mail, at the following address:

Chadly D. Allnut
454 North Morse Avenue
Liberty, Missouri 64068-1524


Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov