



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
 CHRISTOPHER JAMES SANCHEZ,) Case No. 140311291C
)
 Applicant.)

ORDER REFUSING TO ISSUE
A NON-RESIDENT INSURANCE PRODUCER LICENSE

On June 23, 2014, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a non-resident insurance producer license to Christopher James Sanchez. 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. Christopher James Sanchez ("Sanchez") is a Colorado resident with a residential address of record of 17909 E. Dickinson Place, Aurora, Colorado 80013.
2. On January 3, 2014, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Sanchez's non-resident individual insurance producer application ("Application").
3. Sanchez answered "Yes" to Background Question Number 1 of the Application which states, in relevant part:

Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?
4. On May 18, 1995, Sanchez pled guilty to and was convicted of Sexual Assault on a Child by One in a Position of Trust, a Felony in the Fourth Degree, in violation of § 18-3-405.3, C.R.S. On August 4, 1995, the court sentenced Sanchez to eight years of supervised probation, ninety days of incarceration, and completion of several sex offender registration and treatment programs. *Colorado v. Christopher J. Sanchez*, Clear Creek Co. Dist. Ct., Case No. 95CR8.
5. Along with his Application, Sanchez submitted a letter dated January 1, 2014 explaining the circumstances of his conviction:

In 1994 I made the biggest mistake of my life by committing the crime of sexual assault of a minor... I plead guilty to the charge and served 8 years of probation... All though I could have fought this charge and beat it (as many people suggested) due to the circumstances of the case, I chose to put the feelings of others to include my victim, her family and my family before mine and plead guilty and take responsibility for my actions... I thought it would be best for others involved to not draw this out and allow us all to move on with our lives... Since then I have been a model citizen always trying to put others needs before mine... I have since moved forward and have become a success in just about all I have worked at using the lessons I learned from this experience.

6. After reviewing Sanchez's Application, Special Investigator Jodi Lehman ("Special Investigator Lehman") on February 18, 2014 contacted Sanchez by email at the address provided on his Application as both "Business Email Address" and "Individual Email Address," asking Sanchez to explain his conviction and requesting a copy of the charging document in the case.

7. On February 18, 2014 Sanchez replied to Special Investigator Lehman by email and stated, in part, as follows:

I... look[ed] for these documents and was not able to find them.

* * *

A lot of things were flying around when I was first charged with this... During the process calmer heads prevailed. I was never charged with rape. During a camping trip with my second cousin and his wife who had brought their 16 year old niece along with them. She slept in a tent with me and after a lot of flirting we ended up having sex. During the course of the weekend we had sex three times. Sex was consensual, never forced but the female was not of age and I should have asked her age which I never did... [she] went back to Arizona... [I] received a phone call from Arizona several months later... [and] we chatted as though we were long lost friends but after the call she told [others] about the situation... Hind site is 20/20, of course I would have done things much different had I thought about this more. I am older now and learn from my experiences and have learned through mandatory classes about a lot of baggage that I had which allowed me to justify thinking errors and ignore red flags that now would have been waiving in front of me and would prevent me from doing anything like this.

* * *

She reached out to me through my cousin who was on the camping trip and we are still in contact just a few years ago and said that she is part to blame and asked if I wanted to talk with her... I am so sorry for what I did to her. Due to it though,

I have learned empathy and how my actions can negatively effect others and have chosen a different path. I now try to help people and convey the wisdom that I learned through this event to young Soldiers who I mentor and try to make sure they don't find themselves in the same position I find my self in.

CONCLUSIONS OF LAW

8. Section 375.141 RSMo. (Supp. 2013)¹ 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 a felony or crime involving moral turpitude[.]

9. Moral turpitude is "an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty, and good morals.'" *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985) (quoting *In re Wallace*, 19 S.W.2d 625 (Mo. banc 1929)). Missouri has previously recognized crimes of a sexual nature as involving moral turpitude. *See, e.g., Director, Dep't of Ins. v. Overton*, Mo. Admin. Hrg. Comm'n, No. 99-3371 DI (Mar. 14, 2000) (statutory rape in the first degree and statutory sodomy in the first degree); *Faraone v. Director, Dep't of Ins.*, Mo. Admin. Hrg. Comm'n, No. 94-000425 DI (June 10, 1994) (sexual abuse in the first degree); *Director, Dep't of Ins. v. Schlenk*, Mo. Admin. Hrg. Comm'n, No. 00-0263 DI (July 18, 2000) (sexual misconduct in the first degree); *George v. Director, Dep't of Ins., Fin. Insts. & Prof'l Reg.*, Mo. Admin. Hrg. Comm'n, No. 13-1854 DI (Jan. 2, 2014) (indecent assault and battery on a child under fourteen years of age).
10. The principal purpose of § 375.141 is not to punish applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).
11. The Director may refuse to issue a non-resident insurance producer license to Sanchez under § 375.141.1(6) because Sanchez was convicted of Sexual Assault on a Child by One in a Position of Trust, a Felony in the Fourth Degree, in violation of § 18-3-405.3 C.R.S. *Colorado v. Christopher J. Sanchez*, Clear Creek Co. Dist. Ct., Case No. 95CR8.
12. The Director may refuse to issue a non-resident insurance producer license to Sanchez under § 375.141.1(6) because Sanchez was convicted of a crime involving moral turpitude when he pled guilty to Sexual Assault on a Child by One in a Position of Trust, a Felony in the Fourth Degree, in violation of § 18-3-405.3 C.R.S. *Id.*

¹ All statutory references are to RSMo. (2000) as updated by RSMo. (Supp. 2013) unless otherwise noted.

13. The Director has considered Sanchez's history and all of the circumstances surrounding Sanchez's Application. Issuing a non-resident insurance producer license to Sanchez would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a non-resident insurance producer license to Sanchez.
14. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the non-resident insurance producer license application of Christopher James Sanchez is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 23RD DAY OF JUNE, 2014.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

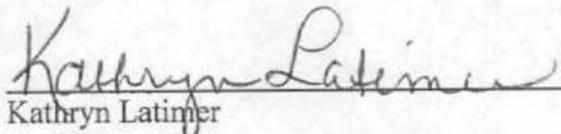
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 24th day of June, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Christopher James Sanchez
17909 East Dickinson Place
Aurora, Colorado 80013

No. 1Z0R15W84297688680



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