



FINAL ORDER
EFFECTIVE
07-09-2018

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

CARL W. GREEN,

Applicant.

)
)
)
)
)

Case No. 171107439C

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On February 23, 2018, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue a non-resident insurance producer license to Carl W. Green. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FACTUAL BACKGROUND

1. Carl W. Green (“Green”) is a Texas resident with a residential address of 1602 Blodgett Street, Apartment 12, Houston, Texas 77004 and a mailing address of 6201 Bonhomme Road, Suite 110 S, Houston, Texas 77036.
2. On March 15, 2017, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Green’s electronic application for an individual non-resident insurance producer license (“Application”).
3. Green marked “Yes” to Background Question No. 1B on his Application which asks, in part, “[h]ave you ever been convicted of a felony” and disclosed the following felony convictions:
 - a. On December 11, 2004, Green pled guilty to DWI – 3rd Offender, a Third Degree Felony, in violation of Tex. Penal Code § 49.09(b). *State of Texas v. Carl Green*, Harris Co. Dist. Ct., Case No. 1010087. The court sentenced Green to serve ten (10) days’ confinement and placed Green on supervised probation for four (4) years. *Id.* The court revoked Green’s probation on September 21, 2005 when Green pled guilty to another charge of DWI – 3rd Offender, a Third Degree Felony, in violation of Tex. Penal Code § 49.09(b). *State of Texas v. Carl Green*, Harris Co. Dist. Ct., Case No. 1037190. The court sentenced Green to four (4) years’ confinement to run concurrent with the four (4) year sentenced imposed in *State of Texas v. Carl Green*, Harris Co. Dist. Ct., Case No. 1010087. *Id.*

- b. On May 3, 2013, Green pled guilty to two counts of DWI – 3rd Offender, each a Third Degree Felony, in violation of Tex. Penal Code § 49.09(b). *State of Texas v. Carl Wayne Green*, Harris Co. Dist. Ct., Case Nos. 137187501010 and 138336601010. The court ordered that Green’s drivers’ license be suspended for two (2) years and sentenced Green to ten (10) years’ confinement. *Id.* Green is currently on parole. *Id.*
4. On April 26, 2017, a Special Investigator for the Division sent an inquiry letter to Green’s residential address listed on his Application. Said inquiry letter requested information regarding Green’s compliance with the terms of his parole in *State of Texas v. Carl Wayne Green*, Harris Co. Dist. Ct., Case No. 137187501010.
5. The United States Postal Service did not return the April 26, 2017 inquiry letter to the Division, and therefore it is presumed received by Green.
6. Green did not provide a written response to the Division’s April 26, 2017 inquiry letter and failed to demonstrate a reasonable justification for the delay.
7. On May 17, 2017, a Special Investigator for the Division sent another inquiry letter to Green’s residential address listed on his Application. Said inquiry letter requested the same information as the previous inquiry letter.
8. The United States Postal Service did not return the May 17, 2017 inquiry letter to the Division, and therefore it is presumed received by Green.
9. Green did not provide a written response to the Division’s May 17, 2017 inquiry letter and failed to demonstrate a reasonable justification for the delay.
10. On May 3, 2017, the Commissioner of the California Department of Insurance issued an Order of Summary Denial that denied Green’s application for a non-resident insurance producer license. *In the Matter of the Application of: Carl Wayne Green*, California Dep’t of Ins., File No. PLBS 11286-A (AR).

CONCLUSIONS OF LAW

11. Section 375.141, RSMo (2016)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:

* * *

¹ All civil statutory references are to the Revised Statutes of Missouri (2016).

(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]

* * *

(9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory[.]

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

13. "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 citation omitted).
14. The Director may refuse to issue an individual non-resident insurance producer license to Green pursuant to § 375.141.1(2) because Green did not respond to two (2) inquiries from the Division or provide a reasonable justification for the delay, thereby violating 20 CSR 100-4.100(2)(A), a regulation of the Director.
15. Each failure to provide a response or failure to provide a reasonable justification for the delays, in violation of a regulation of the Director, is a separate and sufficient cause for refusal pursuant to § 375.141.1(2).
16. The Director may refuse to issue an individual non-resident insurance producer license to Green pursuant to § 375.141.1(6) because he has been convicted of four felonies:
- a. On December 11, 2004, Green pled guilty to DWI – 3rd Offender, a Third Degree

- Felony, in violation of Tex. Penal Code § 49.09(b). *State of Texas v. Carl Green*, Harris Co. Dist. Ct., Case No. 1010087;
- b. On September 21, 2005, Green pled guilty to DWI – 3rd Offender, a Third Degree Felony, in violation of Tex. Penal Code § 49.09(b). *State of Texas v. Carl Green*, Harris Co. Dist. Ct., Case No. 1037190;
 - c. On May 3, 2013, Green pled guilty to DWI – 3rd Offender, a Third Degree Felony, in violation of Tex. Penal Code § 49.09(b). *State of Texas v. Carl Wayne Green*, Harris Co. Dist. Ct., Case No. 137187501010; and
 - d. On May 3, 2013, Green pled guilty to DWI – 3rd Offender, a Third Degree Felony, in violation of Tex. Penal Code § 49.09(b). *State of Texas v. Carl Wayne Green*, Harris Co. Dist. Ct., Case No. 138336601010.
17. Each conviction for a felony is a separate and sufficient ground for the Director to refuse to issue an individual non-resident insurance producer license to Green.
18. The Director may refuse to issue an individual non-resident insurance producer license to Green pursuant to § 375.141.1(9) because the Commissioner of the California Department of Insurance denied his application for a non-resident insurance producer license. *See In the Matter of the Application of: Carl Wayne Green*, California Dep't of Ins., File No. PLBS 11286-A (AR).
19. Green's four felony convictions and the denial of his application for a non-resident insurance producer license in another state demonstrate that issuing Green a non-resident insurance producer license would not be in the public interest.
20. The Director has considered Green's history and all of the circumstances surrounding Green's Application. Granting Green a non-resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue an insurance producer license to Green.
21. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the application for a non-resident insurance producer license of **Carl W. Green** is hereby **REFUSED**.

SO ORDERED.

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



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.

[Remainder of page intentionally left blank.]

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2018 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following addresses:

Carl W. Green
1602 Blodgett Street
Apartment 12
Houston, Texas 77004

Certified No. 1Z0R15W84293757764

Carl W. Green
6201 Bonhomme Road
Suite 110 S
Houston, Texas 77036

Certified No. 1Z0R15W84293554376



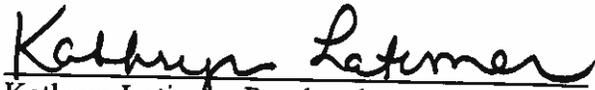
Kimberly Landers, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: Kimberly.landiers@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2018 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following addresses:

Carl W. Green
1700 Rivercrest Dr.
Apartment 318
Sugar Land, TX 77478-4149

Tracking No. 1Z0R15W84299808804



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: Kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on May 7, 2018 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following addresses:

Carl W. Green
1700 Rivercrest Dr.
Apt. 318
Sugar Land, TX 77478-4149

Certified No. 7016 0340 0001 1319 8644



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: Kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2018 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, at the following addresses:

Carl W. Green
1700 Rivercrest Dr.
Apt. 318
Sugar Land, TX 77478-4149



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: Kathryn.latimer@insurance.mo.gov