



**DEPARTMENT OF INSURANCE, FINANCIAL  
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

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

In the Matter of:

Jamie Lynn De La O,  
Applicant.

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)  
)  
)

Case No. 13-1029573C

**CONSENT ORDER**

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Tammy S. Kearns, and Applicant Jamie Lynn De La O, have reached a settlement in this matter and have consented to the issuance of this Consent Order.

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department") whose duties, pursuant to Chapters 374 and 375, RSMo,<sup>1</sup> include the supervision, regulation and discipline of insurance producers and business entity producers.

2. The Director has authority to grant or deny consent to individuals prohibited from engaging in the business of insurance pursuant to the Insurance Fraud Prevention Act of 1994, 18 U.S.C. § 1033.

<sup>1</sup> All statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

3. The Consumer Affairs Division ("Division") has the duty of conducting investigations into the acts of insurance producers under the insurance laws of this state and is authorized by the Director to investigate and to recommend enforcement action for violations of the insurance laws of this state.

4. On or about March 27, 2013, Jamie Lynn De La O ("De La O") submitted an electronic non-resident insurance producer license application ("Application") to the Department.

5. In the section of the Application headed "Background Information," Question # 1 asks: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" De La O answered "Yes."

6. With her Application, De La O submitted a letter explaining her felony convictions, accompanied by court records from that conviction.

7. De La O submitted an Application to the Department for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. § 1033 ("1033 Waiver Application"), dated October 5, 2013, to the Department.

8. De La O also submitted court records, another letter explaining her convictions, a letter from her employer verifying her employment, a letter from the Arizona Department of Insurance (her home state) granting her request for a "waiver under 18 USC § 1033," and three letters of recommendation with her 1033 Waiver Application.

9. On March 2, 1995, De La O, f.k.a, Garcia,<sup>2</sup> pleaded guilty to three counts of a Felony Receiving or Transferring a Stolen Vehicle (Possession) and one count of Felony Possession of a Controlled Substance (Methamphetamine). *State of New Mexico v. Jamie Lynn*

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<sup>2</sup> The criminal history outlined in this Consent Order refers to State of New Mexico v. Jamie Lynn Garcia. Jamie Lynn De La O was formerly known as Jamie Lynn Garcia.

*Garcia*, Second Judicial District Ct., Bernalillo County, New Mexico, Case No. CRCR-94-02231 and 94-02580.

10. On June 30, 1995, De La O pleaded guilty to 3<sup>rd</sup> Degree Felony Forgery (Issue or Transfer). *State v. Garcia*, Second Judicial District Ct., Bernalillo County, New Mexico, Case No. CRCR-95-01854.

11. The court entered an *Amended Judgment, Partially Suspended Sentence and Commitment to Bernalillo County Detention Center* against De La O on July 28, 1995, finding that she had been convicted pursuant to guilty pleas to 3<sup>rd</sup> Degree Felony Forgery (Issue or Transfer), three counts of Felony Receiving or Transferring a Stolen Vehicle (Possession), and 4<sup>th</sup> Degree Felony Possession of a Controlled Substance (Methamphetamine) and sentenced her to “a total term of imprisonment of SEVEN AND ONE HALF YEARS, of which SIX YEARS and NINE MONTHS is suspended, for an actual sentence of imprisonment of NINE MONTHS, to be served in the Bernalillo County Detention Center.” (emphasis in original). The court suspended the execution of the six years and nine months of the sentence and placed De La O on supervised probation for five years following her release from custody. The court also placed De La O on parole for two years following her release from custody. *State v. Garcia*, Second Judicial District Ct., Bernalillo County, New Mexico, Case No. CRCR-95-01854/94-02580/95-01854.

12. De La O satisfied her sentence in full and was discharged from probation on September 1, 2000.

13. By letter, dated April 24, 2013, the North Dakota Insurance Department denied De La O’s application for an insurance producer license, citing her felony conviction. De La O did not appeal the denial.



14. Section 375.141 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) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory[.]

15. De La O acknowledges and understands that pursuant to 18 U.S.C. § 1033 she is prohibited from engaging in the business of insurance in Missouri without the Director's consent because she has been convicted of a criminal felony involving dishonesty or a breach of trust.

16. De La O acknowledges and understands that under § 375.141.1(6) the Director may refuse to issue her a non-resident insurance producer license because De La O has been convicted of a felony or a crime involving moral turpitude.

17. De La O acknowledges and understands that under § 375.141.1(9) the Director may refuse to issue her a non-resident insurance producer license because the North Dakota Insurance Department denied De La O's application for a non-resident individual insurance producer license.

18. De La O acknowledges and understands that she has the right to consult counsel at her own expense.

19. De La O stipulates and agrees to waive any waivable rights that she may have to a hearing before the Administrative Hearing Commission or the Director and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Consent Order and forever releases and holds harmless the Department, the Director and his agents, and the

Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

20. De La O acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. De La O further acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications, if required, and that it is her responsibility to comply with the reporting requirements of each state in which she is licensed.

21. Each signatory to this Consent Order certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she represents, to accept the terms and provisions of this Consent Order in their entirety, and agrees, in his or her personal or representational capacity, to be bound by the terms of this Consent Order.

#### **Conclusions of Law**

22. The actions admitted by De La O are grounds to refuse her non-resident insurance producer license pursuant to § 375.141.1(6) and (9).

23. Pursuant to 18 U.S.C. § 1033, the Director has discretion to grant or deny consent to De La O to engage in the business of insurance.

24. The Director may impose orders in the public interest under § 374.046.

25. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Consent Order is in the public interest.

## Settlement Terms

### Order Regarding Section 1033 Waiver

IT IS ORDERED that the Director, having duly received and considered Jamie De La O's Section 1033 Waiver Application, will grant such application, subject to the following conditions:

1. In the event that the Director determines that Jamie De La O, or a representative of Jamie De La O, has made a materially false or misleading statement, or has failed to disclose information material to the Director's determination herein, De La O's section 1033 waiver shall be void.

2. In the event that Jamie De La O becomes employed or enters into a business association/relationship with an entity engaged in the business of insurance, Jamie De La O shall provide the Department with complete details regarding the employment or business association/relationship, and shall describe in detail the nature, duties and activities including the office, position, occupation, trade, vocation, or profession.

3. In the event that Jamie De La O becomes employed or enters into a business association/relationship with an entity engaged in the business of insurance, Jamie De La O shall provide the Department with a sworn affidavit from the president, or other designated officer or director of the entity, stating: (1) the basis under which the affiant is authorized to execute and attest to the statements made in the affidavit; (2) that Jamie De La O will in fact perform only those duties and activities described in her response to the previous paragraph; and (3) that Jamie De La O will not be placed in a position in which her activities will constitute a risk or threat to insurance consumers or the insurer.



4. This Order applies only to the position, employment, or job currently held by Jamie De La O at Homesite Insurance ("Homesite"). Hence, Jamie De La O may only be engaged in the business of insurance as a customer service representative at Homesite Insurance.

5. Any proposed change in Jamie De La O's current occupation within the business of insurance in the State of Missouri shall be submitted to the Director for further review.

6. Should the Director determine that Jamie De La O has violated any condition for granting this Order, this Waiver shall be void.

#### **Order Regarding License Issuance**

IT IS FURTHER ORDERED that the Department will issue a non-resident insurance producer license to Jamie Lynn De La O, subject to the following conditions:

1. Jamie Lynn De La O shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to her by the Department of Insurance, Financial Institutions and Professional Registration within five business days of receipt. Such response shall only be by Jamie Lynn De La O personally or by and through an attorney representing Jamie Lynn De La O.

2. Jamie Lynn De La O shall report to the Department of Insurance, Financial Institutions and Professional Registration any arrest, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony, misdemeanor, or crime of moral turpitude, within five business days of such arrest, citation, plea or finding.

3. Jamie Lynn De La O shall report to the Department of Insurance, Financial Institutions and Professional Registration any violation of or failure to comply with the laws set forth in Chapters 374 and 375 and all regulations promulgated thereunder within five business days of such violation or failure to comply.

4. Jamie Lynn De La O shall report to the Department any administrative action taken against her in another jurisdiction or by another governmental agency in this state within five business days after she receives notification of the initiation of such administrative action.

5. For two years subsequent to the date of this executed Consent Order, Jamie Lynn De La O will voluntarily surrender her license to the Department within 30 days of her entry of a guilty plea, nolo contendere plea, finding of guilt, or convictions for a felony or crime of moral turpitude.

6. If Jamie Lynn De La O maintains her non-resident producer license beyond the initial term and complies with the terms of this Consent Order, Jamie Lynn De La O may apply to renew her license and the Director shall consider the renewal application in accordance with Chapters 374 and 375, without regard to her prior criminal conviction in *State of New Mexico v. Jamie Lynn Garcia*, Second Judicial District, Bernalillo County, New Mexico, Case Nos. CR-CR-94-02231/94-02580/95-01854.


7. The special conditions listed in Order Regarding License Issuance, paragraphs 1 through 6, outlined above, will expire two years from the date this Order is issued.

IT IS FURTHER ORDERED that the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374 and 375, RSMo, including remedies for violations of, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 24<sup>th</sup> DAY OF

JANUARY, 2014.

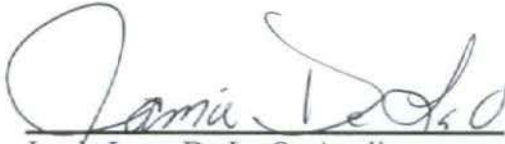


  
JOHN M. HUFF  
Director, Missouri Department of Insurance,  
Financial Institutions and Professional  
Registration



CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Jamie Lynn De La O has the right to a hearing, but that Jamie Lynn De La O has waived the hearing and consented to the issuance of this Consent Order.



Jamie Lynn De La O, Applicant  
c/o AAA MSC  
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Glendale, AZ 85308

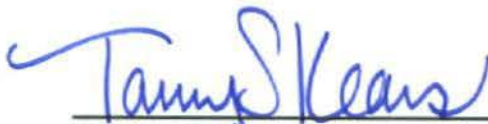
1/9/14  
Date

and

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