



FINAL ORDER
EFFECTIVE
12-04-2018

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

CRYSTAL DUFFY,

Applicant.

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Case No. 180705768C

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On July 23, 2018, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the resident insurance producer license application of Crystal Duffy. 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. Crystal Duffy (“Duffy”) is a Missouri resident with a residential and mailing address of 705 North 3rd Street, St. Charles, Missouri 63301-2042.
2. On or about June 9, 2009, Duffy was convicted of Abuse of a Child, a Class C felony in violation of § 568.060;¹ the court sentenced her to five years’ incarceration, but suspended execution of the sentence and ordered her to complete five years of probation. *State v. Crystal Caldwell*, Lincoln Co. Cir. Ct., Case No. 07L6-CR01109-01.²
3. On March 14, 2018, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Duffy’s electronic resident insurance producer license application (“Application”).
4. Duffy admitted “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?”
5. The Application further instructs:

If you answer yes ... you must attach to this application:

- a) a written statement explaining the circumstances of each incident,

¹ All criminal statutory references are to those contained in the version of the Missouri Revised Statutes pursuant to which the judgment was rendered.

² The defendant’s birth date is identical to Duffy’s. A separate background check also identified Duffy with the surname Caldwell.

- b) a copy of the charging document,
- c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

- 6. Duffy did not provide any documentation pertaining to her conviction.
- 7. In the section of the Application for listing prior names and other aliases, Duffy provided "Crystal Scarfino" but no other names.³
- 8. As a condition of submission, Duffy accepted the Applicant's Certification and Attestation section of the Application which provided, in relevant part:

I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

* * *

I hereby certify that upon request, I will furnish the jurisdiction(s) to which I am applying, certified copies of any documents attached to this application or requested by the jurisdiction(s).

- 9. On March 20, 2018, Special Investigator Dennis Fitzpatrick of the Department's Consumer Affairs Division ("Special Investigator Fitzpatrick" of the "Division") sent Duffy an inquiry letter by first-class mail, postage prepaid, to her residential and mailing address. The inquiry letter asked for criminal documentation as required by the Application, and warned that failure to respond "in twenty days ... could result in disciplinary action by this Department."
- 10. The United States Postal Service did not return the Division's March 20, 2018 inquiry letter as being undeliverable, or for any other reason; therefore, Duffy is presumed to have received it.
- 11. Duffy never responded to the March 20, 2018 inquiry letter.
- 12. On April 12, 2018, Special Investigator Fitzpatrick sent Duffy 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.
- 13. The United States Postal Service did not return the Division's April 12, 2018 inquiry letter as being undeliverable, or for any other reason; therefore, Duffy is presumed to

³ The Department's background check confirmed that the Scarfino surname was identified with both Duffy and the Caldwell surname.

have received it.

14. Duffy never responded to the April 12, 2018 inquiry letter.
15. Duffy did not demonstrate any reasonable justification for her failure to respond to the Division's inquiry letters.

CONCLUSIONS OF LAW

16. Section 375.141.1 provides, in relevant part:⁴

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) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application.
- (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[.]

17. 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.

18. "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).
19. The Director may refuse to issue Duffy a resident insurance producer license pursuant to § 375.141.1(1) because Duffy intentionally provided materially incorrect, misleading, incomplete, or untrue information in her Application by omitting her Caldwell surname

⁴ All civil statutory references are to the 2016 Missouri Revised Statutes.

and documents related to her criminal record.

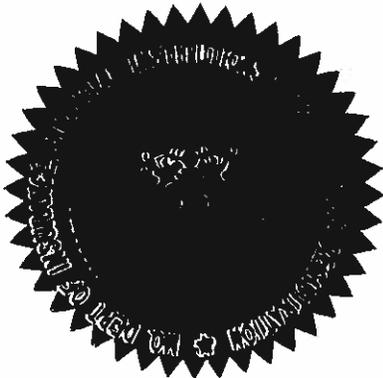
20. The Director may refuse to issue Duffy a resident insurance producer license pursuant to § 375.141.1(2) because she twice violated a regulation of the Director, specifically 20 CSR 100-4.100, when she failed to respond to each of two inquiry letters from the Division and failed to demonstrate reasonable justification for her nonresponsiveness.
21. Each violation of a regulation of the Director is a separate and sufficient basis for refusal pursuant to § 375.141.1(2).
22. The Director may refuse to issue Duffy a resident insurance producer license pursuant to § 375.141.1(6) because she has been convicted of a felony or crime involving moral turpitude, specifically Abuse of a Child, a Class C felony in violation of § 568.060. *State v. Crystal Caldwell*, Lincoln Co. Cir. Ct., Case No. 07L6-CR01109-01.
23. The Director has considered Wilkins's history and all of the circumstances surrounding Wilkins's Application. Issuing Wilkins a nonresident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Wilkins a nonresident insurance producer license.
24. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of **Crystal Duffy** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 31st DAY OF October, 2018.



Chlora Lindley-Myers

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.

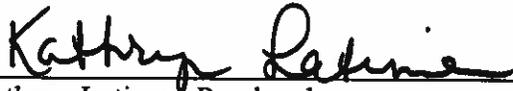
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Crystal Duffy
705 North 3rd Street
Saint Charles, Missouri 63301-2042

No. 1Z0R15W84297953400



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