



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:

JOHN BRICKNER GALVIN,
Applicant.

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Case No. 2002060134C

ORDER REFUSING TO ISSUE PUBLIC ADJUSTER LICENSE

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. After reviewing the Petition, the Investigative Report, and the entirety of the Petition file, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. John Brickner Galvin is a Missouri resident with a residential address of 766 Harvard Avenue, St. Louis, MO 63130.
2. On February 16, 2018, the Department Insurance, Financial Institutions and Professional Registration¹ received Galvin’s Missouri Uniform Application for Public Adjuster, Public Adjuster Solicitor, or Surplus Lines (“Application”), along with attachments.
3. Question C under Part III – Background Information of the Application asked, in relevant part (all caps omitted):

Have you ever been convicted of or pled nolo contendere (no contest) to any misdemeanor or felony, or currently have pending misdemeanor or felony charges filed against you?

¹ The Department of Insurance, Financial Institutions and Professional Registration is the predecessor agency of the Department of Commerce and Insurance. See Executive Order 19-02.

. . . If Yes, give date, name and address of court, basis of charge, outcome, and whether you received an executive pardon. Also, attach certified copies of the information or indictment and the final adjudication.

4. Galvin answered “Yes” to this question, but he did not attach certified copies of an information or indictment or the final adjudication. Rather, Galvin attached a written statement and other uncertified documents regarding the following felony convictions:
 - a. On August 16, 1991, Galvin pleaded guilty to the Unclassified Felony of Drug Possession with Intent to Distribute in violation of § 195.020 RSMo.² *State v. John B. Galvin*, Case No. 2190R-09069-01 (St. Louis Cnty. Cir. Ct.). In his written statement regarding the conviction, Galvin stated that he purchased five pounds of marijuana from an undercover officer. The court sentenced Galvin to five years’ imprisonment, but suspended execution of that sentence and placed Galvin on five years’ supervised probation, which Galvin successfully completed.
 - b. On September 28, 2015, Galvin pleaded guilty to the Felonies of Conspiracy to Distribute Controlled Substances and Controlled Substance Analogues in violation of 21 U.S.C. §§ 813, 841(b)(1)(C), and 846; Conspiracy to Commit Offenses Against the United States in violation of 18 U.S.C. § 371; and Conspiracy to Launder Money in Violation of 18 U.S.C. §§ 1956(h) and 1957. *United States v. John Galvin*, Case No. 4:14-CR-00152-RWS (E.D. Mo.). In his written statement regarding the convictions, Galvin explained that he worked with others as a driver, delivering synthetic cannabinoids (brand names such as “K2” and “Spice”) to retail outlets. With respect to the charge of Conspiracy to Commit Offenses Against the United States, the Indictment to which Galvin pleaded guilty alleged that he and others acted with the intent to defraud and mislead by causing misbranded drugs to be introduced into, and received in, interstate commerce. On November 20, 2017, the court sentenced Galvin to five years’ supervised probation.

² This and all other criminal statutory citations are to that version of the statutes in effect at the time of the commission of the crime.

CONCLUSIONS OF LAW

5. Section 325.030 RSMo (2016)³ states, in relevant part:

1. The director shall issue the proper license when the requirements of sections 325.010 to 325.055 have been met, and a person receiving the license shall thereafter be known and styled a “licensed public adjuster”, or “licensed public adjuster solicitor”, as the case may be.

* * *

3. Notwithstanding subsection 1, the director shall not issue a license to any person who has been convicted of a felony or other crime involving fraudulent or dishonest practices; and shall have the power to revoke, suspend or refuse a license as hereinafter provided.

6. Section 325.035 RSMo states, in relevant part:

1. Whenever the director shall be satisfied that an applicant for a license does not have the necessary qualifications to engage in the public adjustment business, or when he shall be satisfied that a holder of such license has engaged in false, fraudulent or misleading business practices, the director may refuse to issue the license or may revoke or suspend the license. Such refusal, revocation or suspension shall be accomplished pursuant to the provisions of chapter 621 and shall be based on one or more of the following grounds:

(1) A violation of any provision of chapter 325; or

(2) Any ground under subdivisions (2) to (12) of subsection 1 of section 375.141[.]

7. Section 375.141 RSMo states, 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:

* * *

³ All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

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

8. The Director cannot issue a public adjuster license to Galvin under § 325.030.3 RSMo because Galvin was convicted of a felony or other crime involving dishonest practices. Galvin was convicted of the Unclassified Felony of Drug Possession with Intent to Distribute in *State v. John B. Galvin*, Case No. 2190R-09069-01 (St. Louis Cnty. Cir. Ct.). Galvin was also convicted of the Felonies of Conspiracy to Distribute Controlled Substances and Controlled Substance Analogues, Conspiracy to Commit Offenses Against the United States, and Conspiracy to Launder Money in *United States v. John Galvin*, Case No. 4:14-CR-00152-RWS (E.D. Mo.). With respect to the conviction for Conspiracy to Commit Offenses Against the United States, the Indictment to which Galvin pleaded guilty alleged that Galvin and others acted with the intent to defraud and mislead by causing misbranded drugs to be introduced into, and received in, interstate commerce.
9. Each crime constitutes a separate and sufficient ground for the Director to refuse to issue Galvin a public adjuster license under § 325.030.3 RSMo.
10. The Director may refuse to issue a public adjuster license to Galvin under §§ 325.035.1(2) and 375.141.1(6) RSMo because Galvin was convicted of a felony or crime involving moral turpitude. Galvin was convicted of the Unclassified Felony of Drug Possession with Intent to Distribute in *State v. John B. Galvin*, Case No. 2190R-09069-01 (St. Louis Cnty. Cir. Ct.). Galvin was also convicted of the Felonies of Conspiracy to Distribute Controlled Substances and Controlled Substance Analogues, Conspiracy to Commit Offenses Against the United States, and Conspiracy to Launder Money in *United States v. John Galvin*, Case No. 4:14-CR-00152-RWS (E.D. Mo.).
11. Each crime constitutes a separate and sufficient ground for the Director to refuse to issue Galvin a public adjuster license under §§ 325.035.1(2) and 375.141.1(6) RSMo.
12. The Director has considered Galvin's history and all of the circumstances surrounding Galvin's Application, and exercises her discretion to refuse to issue Galvin a public adjuster license.
13. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the public adjuster license Application of John Brickner Galvin is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 01st DAY OF June, 2020.



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.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of June, 2020, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

John Brickner Galvin
766 Harvard Avenue
St. Louis, MO 63130

Tracking No. 1Z0R15W84295013563



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