



FINAL ORDER
EFFECTIVE
08-24-2017

State of Missouri

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

IN RE:

ISIAH R. JACKSON,

Applicant.

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Case No. 170612303C

**ORDER REFUSING TO ISSUE A NONRESIDENT
INSURANCE PRODUCER LICENSE**

On July 5, 2017, the Consumer Affairs Division ("Division") submitted a Petition to the Director alleging cause for refusing to issue a nonresident insurance producer license to Isiah R. Jackson. After reviewing the Petition the Investigative Report and relevant documents, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Isiah R. Jackson ("Jackson") is a Florida resident with a residential, business, and mailing address of 3920 Bramblewood Loop, Spring Hill, Florida, 34609.

2. On or about October 5, 2016, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Jackson's electronic application for a nonresident insurance producer license ("Application").

3. Jackson, through an authorized submitter, accepted the Attestation section on the Application that states, in relevant part:

1. 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.

4. Background Question No. 1B of the Application asks:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)[.]

5. As part of Background Question No. 1, the applicant is instructed, if they answer yes to any part of the question, to attach to the Application:

- a. a written statement explaining the circumstances of each incident,
- 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. Jackson answered "Yes" in response to Background Question No. 1B. With his Application, Jackson provided a "Letter of Explanation" that stated that he was charged with attempted sale of a controlled substance, satisfied all court rulings and probation, and was issued a Certificate of Relief of Disabilities. With the Letter of Explanation, Jackson also provided a copy of a "Certificate of Relief from Disabilities" from the State of New York revealing that Jackson had been convicted¹ of Attempted Criminal Sale of a Controlled Substance, 3rd Degree Felony. *State of New York v. Isaiah² R. Jackson*, Suffolk County Court, Part V, New York, No. W-486-87.

7. On October 20, 2016, Special Investigator Karen Crutchfield, with the Consumer Affairs Division ("Division") of the Department, mailed by U.S. mail, postage prepaid, an inquiry letter to Jackson at his address of record. The inquiry letter noted that Jackson had disclosed the felony conviction, requested certified records from the court (Complaint, Information or Indictment, Sentence and Judgment, and resolution of sentence), and asked, *inter alia*, various questions of Jackson to elicit a more detailed explanation his criminal background. The October 20, 2016 inquiry letter advised Jackson that "[p]ursuant to 20 CSR 100-4.100(2)(A), your adequate response is due in twenty days. Your failure to respond by the due date could be a violation of the law and a ground for discipline of your license."

8. The United States Postal Service ("USPS") did not return the October 20, 2016 inquiry letter to the Division, and therefore, it is presumed received by Jackson.

9. Jackson failed to respond to the Division's October 20, 2016 inquiry letter and failed to demonstrate a reasonable justification for the delay.

10. On November 15, 2016, Special Investigator Crutchfield mailed, by USPS first class mail and certified mail, a second inquiry letter to Jackson. The inquiry letter requested the same documentation and information as in the October 20, 2016 letter. The November 15, 2016 inquiry letter advised Jackson that "[p]ursuant to 20 CSR 100-4.100(2)(A), your adequate response is due in twenty days. Your failure to respond by the due date could be a violation of the law and a ground for discipline of your license."

¹ The "Certificate of Relief" provided by Jackson shows that the Suffolk County Court, Part V, New York, sentenced Jackson on August 13, 1987, but not what sentence the court ordered.

² Although the first name, "Isaiah," listed on the Certificate of Relief from Disabilities, does not match the name on Jackson's Application, Jackson himself provided the document containing information regarding the felony conviction in response to Background Question 1B of the Application.

11. The USPS did not return the November 15, 2016 inquiry letter sent by first class mail to the Division, and therefore, it is presumed received by Jackson.

12. The USPS returned to the Division the PS Form 3811 Domestic Return Receipt (known as the "green card") for the November 15, 2016 inquiry letter sent to Jackson by certified mail. The green card shows that the USPS delivered the certified mail to Jackson's address of record on November 19, 2016. The name "Jackson" was signed in the "Printed Name" section of the green card.

13. Jackson failed to respond to the Division's November 15, 2016 inquiry letter and failed to demonstrate a reasonable justification for the delay.

14. On December 9, 2016, Special Investigator Crutchfield mailed, by USPS first class mail and certified mail, a third inquiry letter to Jackson. The inquiry letter requested the same documentation and information as in the October 20 and November 15, 2016 inquiry letters. The December 9, 2016 inquiry letter advised Jackson that "[p]ursuant to 20 CSR 100-4.100(2)(A), your adequate response is due in twenty days. Your failure to respond by the due date could be a violation of the law and a ground for discipline of your license."

15. The USPS did not return the December 9, 2016 inquiry letter sent by first class mail to the Division, and therefore, it is presumed received by Jackson.

16. The USPS returned to the Division the green card for the December 9, 2016 inquiry letter sent to Jackson by certified mail. The green card shows that the USPS delivered the certified mail to Jackson's address of record on December 12, 2016. The signature on the green card is illegible and the "Printed Name" section of the green card is blank.

17. Jackson failed to respond to the Division's December 9, 2016 inquiry letter and failed to demonstrate a reasonable justification for the delay.

18.

CONCLUSIONS OF LAW

19. Section 375.141 RSMo (Supp. 2013)³ provides, in 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:

* * *

- (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or another insurance commissioner in another state; [or]

³ All civil statutory references are to RSMo (2000) as updated by RSMo (Supp. 2013) unless otherwise noted.

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

20. 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.

21. "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 citations omitted).

22. The Director may refuse to issue a nonresident insurance producer license to Jackson pursuant to § 375.141.1(2) because Jackson failed to adequately respond, and in fact never responded, to three (3) inquiry letters from the Division and failed to provide reasonable justifications for the delays, thereby violating 20 CSR 100-4.100(2)(A), a Department regulation.

23. Each violation of 20 CSR 100-4.100(2)(A), a regulation of the Director, is a separate and sufficient cause to refuse Jackson's Application.

24. The Director may refuse to issue a nonresident insurance producer license to Jackson pursuant to § 374.141.1(6) because Jackson has been convicted of a felony or crime involving moral turpitude; namely, Attempted Criminal Sale of a Controlled Substance, 3rd Degree Felony. *State of New York v. Isaiah R. Jackson*, Suffolk County Court, Part V, New York, No. W-486-87.

25. Issuing a nonresident insurance producer license would not be in the public interest. Jackson received three inquiry letters from the Division requesting additional information and documentation regarding his felony conviction. Jackson ignored all three letters despite the warning in each that failure to respond to the inquiry letters could be grounds for discipline. Thus, Jackson has demonstrated indifference towards Missouri as the state regulator from whom he desires a nonresident insurance producer license.

26. The Director has considered Jackson's history and all of the circumstances surrounding his Application. Issuing a nonresident insurance producer license to Jackson would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Jackson a nonresident insurance producer license.

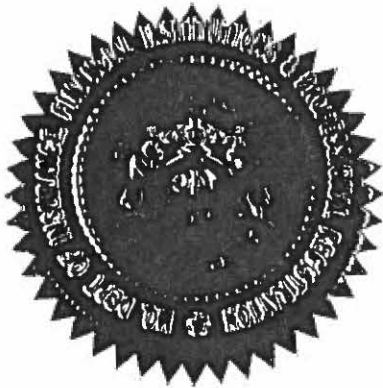
27. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the nonresident insurance producer license Application of Isiah R. Jackson is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 19th DAY OF July, 2017.



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.

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following address:

Isiah R. Jackson
3920 Bramblewood Loop
Spring Hill, FL 34609

Tracking No. 1Z0R15W84295163375

A handwritten signature in black ink that reads "Kathryn Latimer". The signature is written in a cursive style with a horizontal line underneath it.

Kathryn Latimer, Paralegal
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Institutions and Professional Registration
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