



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:)
)
AUDREY LOOSEMORE,) Case No. 180801791C
)
Applicant.)

ORDER REFUSING TO ISSUE **A NON-RESIDENT INSURANCE PRODUCER LICENSE**

On September 26, 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 Audrey Loosemore. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. Audrey Loosemore (“Loosemore”) is a Utah resident with a residential and mailing address of record as 3980 S. 2225 W, Roy, Utah 84067.
2. In November, 2017, Loosemore submitted an electronic application for a non-resident producer license (“Application”). The Missouri Department of Insurance, Financial Institutions and Professional Registration (“Department”) received the application on November 20, 2017.
3. Background Question Number 1B of the Application asks, 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?

You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).
4. Loosemore answered “Yes” to Background Question Number 1B.

5. Loosemore provided documentation to supplement her Application that revealed the following regarding her Utah felony convictions:
 - a. Loosemore was convicted on January 26, 1995 of a Third Degree Felony, Possession of Controlled Substance, in violation of § 58-37-8.¹ *State v. Audrey Loosemore*, Roy, Utah, 2nd Cir. Ct., Case No. 931900871.
 - b. Loosemore was convicted on March 9, 1995 of a Third Degree Felony, Larceny, in violation of § 76-6-404.² *State v. Audrey Loosemore*, Roy, Utah, 2nd Cir. Ct., Case No. 951900177.
 - c. Loosemore was convicted on August 28, 1995 of a Third Degree Felony, Possession of Controlled Substance, in violation of § 58-37-8. *State v. Audrey Loosemore*, Roy, Utah, 2nd Cir. Ct., Case No. 951700271.
 - d. Loosemore was convicted on November 24, 2003 of a Third Degree Felony, Assault, in violation of § 76-5-103. *State v. Audrey Loosemore*, 2nd Cir. Ct., Roy, Utah, Case No. 031701613.
6. After reviewing Loosemore's Application and her criminal record, the Division sent an inquiry letter dated December 14, 2017, via first class mail, postage prepaid, to Loosemore at her residential address of record at 3980 S. 2225 W in Roy, Utah. The Division indicated that its letter was in regard to Loosemore's failure to provide a certified copy of the Information Sheet, Plea Agreement, Judgment and Sentence in regards to each felony conviction. The Division quoted 20 CSR 100-4.100(2)(A) and asked for a response in twenty days and indicated that "[y]our failure to adequately respond by the due date could be a ground for discipline or refusal of your license."
7. The United States Postal Service did not return the Division's December 14, 2017 inquiry letter to the Division as undeliverable and it is presumed received by Loosemore.
8. Loosemore did not provide a written response to the Division's December 14, 2017 inquiry letter and Loosemore did not demonstrate reasonable justification

¹ All citations to state criminal statutes are to that version of Utah Code Ann. in effect at the time of the commission of the crime.

² Utah code § 76-6-404 codifies the crime as theft. The terms larceny and theft are used interchangeably.

for delay.

9. On January 26, 2018, the Division sent another inquiry letter to Loosemore via first class mail, postage prepaid to Loosemore's residential address of record at 3980 S. 2225 W in Roy, Utah. In its letter, the Division again asked Loosemore for a court certified copy of the Information Sheet, Plea Agreement, Judgment and Sentence in regards to each felony conviction. Again citing 20 CSR 100-4.100(2)(A), the Division asked for a response in twenty days and indicated that "[y]our failure to adequately respond by the due date could be a ground for discipline or refusal of your license."
10. The United States Postal Service did not return the Division's January 26, 2018 inquiry letter to the Division as undeliverable and it is presumed received by Loosemore.
11. Loosemore did not provide a written response to the Division's January 26, 2018 inquiry letter and Loosemore did not demonstrate reasonable justification for delay.
12. On February 22, 2018, the Division sent a "3rd & FINAL REQUEST" letter to Loosemore at the address of record at 3980 S. 2225 W in Roy, Utah. Again in its letter, the Division asked Loosemore for a court certified copy of the Information Sheet, Plea Agreement, Judgment and Sentence in regards to each felony conviction. Again citing 20 CSR 100-4.100(2)(A), the Division asked for a response in twenty days and indicated that "[y]our failure to adequately respond by the due date could be a ground for discipline or refusal of your license."
13. The United States Postal Service did not return the Division's February 22, 2018 inquiry letter to the Division as undeliverable and it is presumed received by Loosemore.
14. Loosemore did not provide a written response to the Division's February 22, 2018 inquiry letter and Loosemore did not demonstrate reasonable justification for delay.
15. Loosemore was first licensed as a Utah resident insurance producer on October 19, 2017. *Utah Ins. Dept. v. Audrey Michelle Loosemore*, Enf. Case No. 3983.
16. Effective January 5, 2018, the State of Indiana denied Loosemore's non-resident insurance producer license due to the Applicant having been convicted of a felony and misdemeanors that showed dishonesty. *In the matter of: Audrey Michelle Loosemore*, Indiana Comm'r Ins., Cause No. 16739-AG18-0103-003.

Loosemore did not appeal the denial.

17. On March 29, 2018, Loosemore entered into a Stipulation Agreement with her home State of Utah wherein Loosemore agreed that her resident state insurance producer license would be on two years' probation. *Utah Ins. Dept. v. Loosemore*, Enf. Case No. 3983. Loosemore is currently on probation in her home state of Utah until March 29, 2020. *Id.*

CONCLUSIONS OF LAW

18. Section 375.141.1³ provides, in part:

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 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[.]

19. 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)

³ This and all further civil statutory citations are to RSMo 2016 unless otherwise noted.

days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

20. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course of the mails. *Hughes v. Estes*, 793 S.W.2d 206, 209 (Mo. App. S.D. 1990).
21. Loosemore's Application for a non-resident insurance producer license may be refused under § 375.141.1(2) for violating a regulation of the Director, to wit: 20 CSR 100-4.100(2)(A), because Loosemore failed to adequately and timely respond to inquiry letters from the Division, mailed on December 14, 2017, January 26, 2018 and February 22, 2018. Loosemore failed to demonstrate reasonable justification for any delay.
22. Each violation of an insurance law, regulation, or order of the Director constitutes a separate and sufficient ground to refuse to issue a non-resident insurance producer license to Loosemore under § 375.141.1(2).
23. Loosemore may be refused a non-resident insurance producer license under § 375.141.1(6) because of her four (4) felony convictions. *State v. Audrey Loosemore*, Roy, Utah, 2nd Cir. Ct., Case No. 931900871, *State v. Audrey Loosemore*, Roy, Utah, 2nd Cir. Ct., Case No. 951700271, *State v. Audrey Loosemore*, Roy, Utah, 2nd Cir. Ct., Case No. 951900177, *State v. Audrey Loosemore*, Roy, Utah, 2nd Cir. Ct., Case No. 031701613.
24. Each of Loosemore's four (4) felony convictions constitute a separate and sufficient cause to refuse to issue a non-resident insurance producer license to Loosemore under § 375.141.1(6).
25. Loosemore may be refused a non-resident insurance producer license to Loosemore under § 375.141.1(6) because Loosemore has been convicted of a crime of moral turpitude, larceny. *Dir. of Dep't of Ins., Fin. Insts. and Prof. Reg'n. v. Bousquet*, Case No. 12-1771 DI, (Mo. Admin. Hrg. Comm'r March 5, 2013).
26. Loosemore's Application for a non-resident insurance producer license may be refused under § 375.141.1(9), because Loosemore had an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory, as follows: On January 5, 2018, the State of Indiana denied Loosemore's non-resident insurance producer license. *In the Matter of:*

Audrey Michelle Loosemore, Indiana Comm'r of Ins., Cause No. 16739-AG18-0103-003.

27. Each time Loosemore had an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory constitutes a separate and sufficient ground to refuse to deny Loosemore's non-resident insurance producer license under § 375.141.1(9).
28. The above described instances are grounds upon which the Director may refuse to issue a non-resident insurance producer license to Loosemore. Loosemore has failed to respond three times to Missouri's insurance regulator. Further, Loosemore admitted that she has four (4) felony convictions. Loosemore has a felony conviction that involves moral turpitude. Loosemore's non-resident insurance provider license has been denied in Indiana.
29. The Director has considered Loosemore's history and all of the circumstances surrounding Loosemore's non-resident producer license Application. Issuing a non-resident insurance producer license to Loosemore would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Loosemore a non-resident insurance producer license.
30. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the non-resident insurance producer license Application of **AUDREY LOOSEMORE** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 12th DAY OF August, 2019.



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.

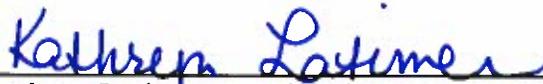
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2019, 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:

Audrey Loosemore
3980 S. 2225 W
Roy, Utah 84067

Tracking No. 1Z0R15W84299306703



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