



FINAL ORDER
EFFECTIVE
03-26-2018

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
 MARTÉ JONES,) Case No. 170823359C
)
 Applicant.)

ORDER REFUSING TO ISSUE
AN INSURANCE PRODUCER LICENSE

On December 18, 2017, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Marté Jones. 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. Marté Jones (“Jones”) is a Missouri resident with a residential and mailing address of 1609 O’Fallon Street, Apartment A, St. Louis, Missouri 63106.
2. On or about September 19, 2016, Jones submitted a Uniform Application for Individual Producer License/Registration (“Application”).
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. Jones answered “No” to Background Question Number 1b.
5. Jones provided documentation in response to Background Question Number 1a, regarding misdemeanor convictions, that revealed that Jones had actually been convicted of a felony, as follows:

On December 14, 2006, Jones was charged by Information with the Class B Felony of Possession with Intent to Deliver, in violation of § 195.211, RSMo.¹ *State v. Marté Jones*, St. Charles Co. Cir. Ct., Case No. 0611-CR05123-01. On December 18, 2006, Jones pled guilty to the charge. *Id.* On December 20, 2006, the court sentenced Jones to seven years in the Missouri Department of Corrections, with execution of that sentence suspended, and five years of supervised probation with various conditions. *Id.* On November 8, 2011, the court extended Jones' probation by one year. *Id.* On November 17, 2012, Jones was discharged from probation. *Id.*

6. On November 1, 2017, Division Special Investigator Dana Whaley (“Whaley”) sent an inquiry letter via first class mail, postage prepaid, to Jones at his residential and mailing address. In her letter, Whaley indicated that Jones had been charged with Driving While Revoked or Suspended in *State v. Marté Jones*, St. Charles Co. Cir. Ct., Case No. 1711-CR00058, and that the court had issued an arrest warrant for Jones that was still outstanding. Whaley asked Jones to provide “a written explanation as to why this issue has not been resolved.” Whaley also asked Jones to provide a written statement explaining why his driver’s license had been suspended or revoked. Whaley informed Jones that his response was due in 20 days and that “[f]ailure to respond could result in disciplinary action by this Department.”
7. The United States Postal Service did not return Whaley’s November 1, 2017 inquiry letter to the Division as undeliverable and it is presumed received.
8. Jones did not respond timely or at all to Whaley’s November 1, 2017 inquiry letter and he did not demonstrate reasonable justification for any delay.

CONCLUSIONS OF LAW

9. Section 375.141.1, RSMo 2016, 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; [or]

¹ All criminal statutory citations are to that version of the statute in effect at the time of the commission of the crime.

* * *

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

10. 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.

11. 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).
12. Jones may be refused an insurance producer license under § 375.141.1(2) because Jones violated 20 CSR 100-4.100(2)(A), in that Jones failed to respond to a written inquiry from the Division dated November 1, 2017, and Jones failed to demonstrate reasonable justification for any delay.
13. Jones may be refused an insurance producer license under § 375.141.1(6) because he has been convicted of a felony, Possession with Intent to Deliver. *State v. Marté Jones*, St. Charles Co. Cir. Ct., Case No. 0611-CR05123-01.
14. Jones may also be refused an insurance producer license under § 375.141.1(6) because he has been convicted of a drug crime (Possession with Intent to Deliver) which involves moral turpitude. *State v. Marté Jones*, St. Charles Co. Cir. Ct., Case No. 0611-CR05123-01.
15. The Director has considered Jones' history and all of the circumstances surrounding Jones' Application. Issuing an insurance producer license to Jones would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Jones an individual resident insurance producer license.

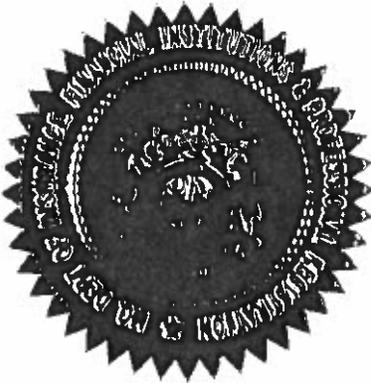
16. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license Application of **Marté Jones** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 09th DAY OF January, 2018.



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 10th day of January, 2018, 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:

Marté Jones
1609 O'Fallon Street
Apartment A
St. Louis, MO 63106

Tracking No. 1Z0R15W84297288308



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: Kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following address:

Marté Jones
1609 O'Fallon Street
Apartment A
St. Louis, MO 63106

Certified No. 7016 0340 0001 1319 8538



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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of February, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, at the following address:

Marté Jones
1609 O'Fallon Street
Apartment A
St. Louis, MO 63106



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