



**FINAL ORDER**  
**EFFECTIVE**  
**05-06-2018**

**State of Missouri**

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

**IN RE:**

**MARY KATHRYN FLETCHER,**

**Applicant.**

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**Case No. 161110487C**

**ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE**

On January 9, 2018 the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Mary Kathryn Fletcher. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order:

**FACTUAL BACKGROUND**

1. Mary Kathryn Fletcher (“Fletcher”) is a Texas resident with a business, residential, and mailing address of 301 Morgan Road, Apartment F1, Italy, Texas, 76651-3903.
2. The Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Fletcher’s electronic application for an individual non-resident insurance producer license (“Application”) on August 29, 2015.
3. Fletcher’s Application was submitted by Authorized Submitter Kari Koznick (“Koznick”) of UHC Medicare and Retirement.
4. By submitting the Application on Fletcher’s behalf, Koznick certified as follows:

As the authorized submitter, I declare that the applicant provided all the information submitted on this application.

5. The “Attestation” section of the Application, states, 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.

6. Fletcher accepted the “Attestation” section of the Application.

7. 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).

8. Fletcher marked “Yes” to Background Question No. 1B on her Application and provided a letter and documentation related to the following felony convictions:

a. On July 7, 1997, Fletcher pled guilty to Unlawful Possession of a Controlled Substance: Cocaine of 1 Gram or More, But Less Than 4 Grams, a Third Degree Felony, in violation of § 481.116(a) Tex. Health and Safety Code (1997). *Texas v. Mary Kathryn Fletcher*, Dallas County Dist. Ct., Case No. F-9747265-QM. The court deferred adjudication and placed Fletcher on supervised probation for five (5) years. *Id.* On January 18, 2001, Fletcher’s probation was revoked and the court sentenced her to two years’ incarceration. *Id.*

b. On October 18, 2004, Fletcher pled guilty to and was convicted of Theft, a Third Degree Felony, in violation of § 31.03(4)(a) Tex. Penal Code.<sup>1</sup> *Texas v. Mary Kathryn Fletcher*, Denton Co. Dist. Ct., Case No. F-2004-1088-E. The court sentenced Fletcher to nine (9) months’ in jail. *Id.*

9. Background Question No. 1A of the Application asks:

Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).

10. Fletcher marked “Yes” to Background Question No. 1A.

11. On September 28, 2004, Fletcher pled nolo contendere to and was convicted of Failure to Identify, a Class B Misdemeanor, in violation of § 38.02 Tex. Penal Code. *Texas v. Mary Kathryn Fletcher*, Kerr Co. Dist. Ct., Case No. CR041613. The court sentenced Fletcher to eight (8) days in jail. *Id.*

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<sup>1</sup> All references to criminal statutes are to those contained in the version of the Texas Penal Code in effect at the time the offenses were committed.

12. The Complaint in *Texas v. Mary Kathryn Fletcher*, Kerr Co. Dist. Ct., Case No. CR041613 states, in relevant part, that:

On or about September 14, 2004, in Kerr County, Texas, [Fletcher] did then and there, knowing that the said Trooper Sweaney was a peace officer, intentionally give a false and fictitious name, to-wit: Shirley Rogers, to Trooper Sweaney, a peace officer who had lawfully arrested and detained the defendant.

*Id.*

### CONCLUSIONS OF LAW

13. Section 375.141, RSMo (2016)<sup>2</sup> provides, 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:

\* \* \*

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

14. “‘Moral turpitude’ has been defined as ‘an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything ‘done contrary to justice, honesty, modesty, and good morals’.” *Brehe v. Mo. Dep’t of Elem. & Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007), citing *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985), quoting *In re Wallace*, 19 S.W.2d 625 (Mo. banc 1929). “Missouri courts have invariably found moral turpitude in the violation of narcotic laws, for example.” *Id.*
15. “[W]hen an individual pleads guilty to a charge, he not only admits his guilt, but also admits all of the facts charged.” *Rice v. Barnes*, 966 F. Supp. 877, 886 (W.D. Mo. 1997), citing *Robinson v. State*, 491 S.W.2d 314, 315 (Mo. banc 1973).
16. The Director may refuse to issue an individual non-resident insurance producer license to Fletcher pursuant to § 375.141.1(6) because she has been convicted of two felonies.
17. The Director may refuse to issue an individual non-resident insurance producer license to Fletcher pursuant to § 375.141.1(6) because she was convicted of crimes involving moral turpitude; namely:

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<sup>2</sup> All civil statutory references are to the Revised Statutes of Missouri (2016).

- a. Theft, a Third Degree Felony, in violation of § 31.03(4)(a) Tex. Penal Code. *Texas v. Mary Kathryn Fletcher*, Denton Co. Dist. Ct., Case No. F-2004-1088-E; and
  - b. Failure to Identify, a Class B Misdemeanor, in violation of § 38.02 Tex. Penal Code. *Texas v. Mary Kathryn Fletcher*, Kerr Co. Dist. Ct., Case No. CR041613.
18. Each conviction for a felony or a crime involving moral turpitude is a separate and sufficient ground for the Director to refuse to issue an individual non-resident insurance producer license to Fletcher pursuant to § 375.141.1(6).
19. The Director has considered Fletcher's history and all of the circumstances surrounding Fletcher's Application. Granting Fletcher an insurance producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue an insurance producer license to Fletcher.
20. This order is in the public interest.

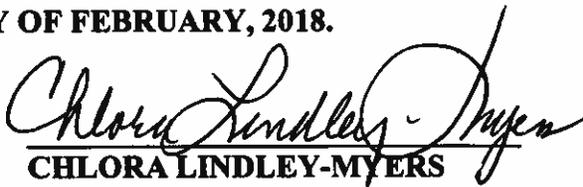
**ORDER**

**IT IS THEREFORE ORDERED** that the application for an individual non-resident insurance producer license of Mary Kathryn Fletcher is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 22<sup>nd</sup> DAY OF FEBRUARY, 2018.



  
**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 February 23, 2018 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Mary Kathryn Fletcher  
301 Morgan Road  
Apartment F1  
Italy, Texas, 76651

Tracking No. 1Z0R15W84298344487



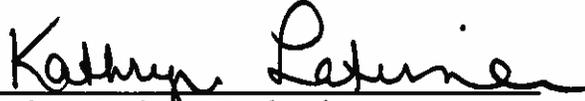
Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on March 9, 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:

Mary Kathryn Fletcher  
301 Morgan Road  
Apartment F1  
Italy, Texas, 76651

Certified No. 7016 0340 0001 1319 8569



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](mailto:kathryn.latimer@insurance.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 6, 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:

Mary Kathryn Fletcher  
301 Morgan Road  
Apartment F1  
Italy, Texas, 76651

  
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Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
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Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)