



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

PAMELA ANN WOODY,

Renewal Applicant.

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Case No. 130725457C

ORDER REFUSING TO RENEW AN INSURANCE PRODUCER LICENSE

On August 19, 2013, the Consumer Affairs Division ("Division") submitted a Petition to the Director alleging cause for refusing to renew the insurance producer license of Pamela Ann Woody. 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:

FINDINGS OF FACT

1. Pamela Ann Woody ("Woody") is a Missouri resident. The Director of the Department of Insurance, Financial Institutions and Professional Registration (the "Director" of the "Department") previously issued Woody an individual resident insurance producer license (#0176517) which expired on April 29, 2013.
2. On or about May 7, 2013, the Department received a Uniform Application for Individual Producer License/Registration ("Application") from Woody, who signed and dated the Application on April 29, 2013. In the Application, Woody listed her address as 504 S.E. Asheville, Lee's Summit, Missouri 64063; her address of record with the National Insurance Producer Registry is 12822 Grandview Road, Grandview, Missouri 64030. Woody provided additional documentation with her application, including portions of a Jackson County police report and Jackson County court documents relating to her arrest in January 2011 for Driving While Intoxicated.
3. On May 15, 2013, Woody faxed to the Department a handwritten "Letter of Circumstance" dated May 13, 2013, wherein she offered an explanation for her January 2011 Driving While Intoxicated arrest. With the submission of this letter, the Department considered Woody's Application to be complete and accepted it for filing.
4. Background Question No. 1 of the Application asks, in relevant part, as follows:

Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

5. Woody answered "Yes" in response to Background Question No. 1.
6. The supporting documentation that Woody provided with her application shows that in February 2012, she was charged by information with the Class D Felony of Driving While Intoxicated – Persistent Offender, under §§ 577.010 and 577.023, RSMo Supp. 2010, based upon her prior misdemeanor DWI convictions from August 9, 2007, and April 13, 2006. These documents also show that Woody was somewhat uncooperative on the night of her arrest. Woody pled guilty to the charge on September 10, 2012, and the court sentenced her to four years in the Missouri Department of Corrections, with execution of that sentence suspended upon completion of 30 days of shock time in jail, 120 days of inpatient treatment, SATOP (Substance Abuse Traffic Offenders Program), and VIP (Victim Impact Panel). The court also ordered Woody not to consume alcohol and to refrain from driving without court permission. *State v. Pamela A. Woody*, Jackson Co. Cir. Ct., No. 1116-CR02676.
7. In her handwritten "Letter of Circumstance," Woody admitted that she had been drinking the night of her arrest, that she refused a breath test, and that police had to obtain a search warrant for her blood in order to determine her blood alcohol content. Woody indicated that, as of May 13, 2013, the date of her letter, she had "not drank for over 16 months."

CONCLUSIONS OF LAW

8. Section 375.141.1 RSMo Supp. 2012¹ 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;

* * *

¹ All further statutory references are to RSMo Supp. 2012 unless otherwise noted.

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

9. Section 375.141.7 provides:

Within thirty days of the initial pretrial hearing date, a producer shall report to the director any criminal prosecution for a felony or a crime involving moral turpitude of the producer taken in any jurisdiction. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant legal documents.

10. "'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'." *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985), quoting *In re Wallace*, 19 S.W.2d 625 (Mo. banc 1929).
11. The principal purpose of § 375.141 is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).
12. Renewal of Woody's individual resident insurance producer license may be refused under § 375.141.1(2) because she violated an insurance law, to wit: § 375.141.7, in that she failed to report a criminal prosecution for a felony or crime involving moral turpitude to the Director within 30 days of the initial pretrial hearing date. Woody did not report her September 2012 conviction of the Class D Felony of Driving While Intoxicated – Persistent Offender, pursuant to this timetable. Indeed, she did not report the conviction until she submitted her paperwork in an attempt to renew her insurance producer license in 2013.
13. Renewal of Woody's individual resident insurance producer license may be refused under § 375.141.1(6) because she has been convicted of a felony. *State v. Woody*, Jackson Co. Cir. Ct., No. 1116-CR02676.
14. Renewal of Woody's individual resident insurance producer license may be refused under § 375.141.1(6) because she has been convicted of a crime involving moral turpitude. As noted, Woody was convicted of the Class D Felony of Driving While Intoxicated – Persistent Offender. A Felony Driving While Intoxicated – Persistent Offender charge, under Missouri law, is predicated upon having two prior Driving While Intoxicated convictions. See § 577.023. Woody's prior misdemeanor Driving While Intoxicated convictions are from August 9, 2007, and April 13, 2006. Recidivist Driving While Intoxicated offenses can be crimes of moral turpitude

because of the potential for great harm as a result of the willful choice to repeatedly defy the law and drive while intoxicated. *See Monroe v. Office of Tattooing, Body Piercing and Branding*, No. 09-0927 TP (Mo. Admin. Hrg. Comm'n 2010), citing *In re Disciplinary Proceedings Against Brandt*, 766 N.W.2d 194, 202 (Wis. 2009). That potential for great harm shows "depravity in the private and social duties which a man owes to his fellowman or to society in general." *In re Frick*, 694 S.W.2d at 479.

15. The Director has considered Woody's history and all of the circumstances surrounding Woody's Application. Woody has amassed three separate DWI convictions in the past seven years, with the third being a felony as a Persistent Offender. Repeated instances of Driving While Intoxicated such as this represent a serious threat to the public which, in turn, makes Woody's crime one of moral turpitude. Renewing Woody's individual resident insurance producer license given these facts would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to renew Woody's individual resident insurance producer license.
16. This Order is in the public interest.

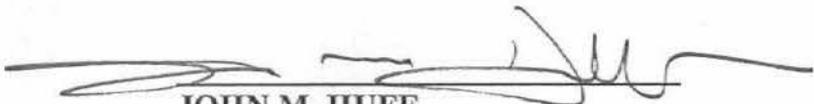
ORDER

IT IS THEREFORE ORDERED that the individual resident insurance producer license renewal application of **Pamela Ann Woody** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 20th DAY OF AUGUST, 2013.




JOHN M. HUFF
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 22nd day of August, 2013, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular mail and by UPS at the following address:

Pamela Ann Woody
504 SE Asheville
Lee's Summit, MO 64063

Tracking No. 1Z0R15W84293405563

Pamela Ann Woody
12822 Grandview Road
Grandview, MO 64030

Tracking No. 1Z0R15W84294430177



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