



FINAL ORDER
EFFECTIVE
12-03-2018

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

ROBERT ALLEN RODRIGUEZ,

Applicant.

)
)
) Case No. 170501269C
)
)

ORDER REFUSING TO ISSUE
AN INSURANCE PRODUCER LICENSE

On April 10, 2018, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Robert Allen Rodriguez. 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. Robert Allen Rodriguez (“Rodriguez”) is a Missouri resident with a residential, business, and mailing address of 6732 Robbins Avenue, Pagedale, Missouri 63133.
2. On March 21, 2017, Rodriguez submitted an electronic application for a resident insurance producer license (“Application”), with attachments.
3. Background Information Question Number 1B on 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?”
4. Rodriguez answered “Yes” to Background Information Question Number 1B. He provided a letter of explanation with his Application indicating that he had been convicted of two counts of Felony Non-Support in 2001. The Division’s investigation confirmed those convictions, as follows:
 - a. On October 10, 1996, Rodriguez was charged by indictment with ten counts of the Class D Felony of Non Support in Each of Six Individual

Months Within Any Twelve-Month Period, Amount Owed Is in Excess of \$5,000, in violation of § 568.040.¹ *State v. Robert A. Rodriguez*, St. Louis Co. Cir. Ct., Case No. 2196R-04737-01.

b. On September 18, 2001, Rodriguez pled guilty to two of the ten counts and the state dismissed the other eight counts. *Id.* Also on September 18, 2001, the court sentenced Rodriguez to five years in the Missouri Department of Corrections on one count, and four years in the Missouri Department of Corrections on the other count, with execution of the sentences suspended, and five years of supervised probation with child support ordered. *Id.*

c. Rodriguez served his probation and was discharged from supervision by the Missouri Board of Probation and Parole on September 17, 2006. *Id.*

5. Background Information Question Number 7 asks as follows:

Do you have a child support obligation in arrearage?

If you answer yes,

- a) by how many months are you in arrearage?
- b) are you currently subject to and in compliance with any repayment agreement?
- c) are you the subject of a child support related subpoena/warrant?

(If you answered yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)

6. Rodriguez answered “Yes” to Background Information Question Number 7. Rodriguez indicated, in response to Background Information Question Number 7a, that he was 48 months in arrears. Rodriguez indicated, in response to Background Information Question Number 7b, that he was subject to and in compliance with any repayment agreement.

7. The Division’s investigation revealed that Rodriguez currently owes \$374.00 per month for the support of his minor child, M.M.R. *Etanim Montoya v. Robert A. Rodriguez*, St. Louis Co. Cir. Ct., Case No. 09SL-DR01161.

¹ This and all other criminal citations are to that version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

8. As of April 5, 2018, Rodriguez is \$21,272.44 in arrears in *Etanim Montoya v. Robert A. Rodriguez*, St. Louis Co. Cir. Ct., Case No. 09SL-DR01161.

CONCLUSIONS OF LAW

9. Section 375.141.1 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:

* * *

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

* * *

(13) Failing to comply with an administrative or court order imposing a child support obligation[.]

10. Rodriguez may be refused an insurance producer license under § 375.141.1(6) because he has been convicted of two felonies. *State v. Robert A. Rodriguez*, St. Louis Co. Cir. Ct., Case No. 2196R-04737-01.
11. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Rodriguez an insurance producer license under § 375.141.1(6).
12. Rodriguez may be refused an insurance producer license under § 375.141.1(13) because he has failed to comply with an administrative or court order imposing a child support obligation. As of April 5, 2018, Rodriguez owes \$21,272.44 in arrearages in *Etanim Montoya v. Robert A Rodriguez*, St. Louis Co. Cir. Ct., Case No. 09SL-DR01161.
13. The above described instances are grounds upon which the Director may refuse to issue Rodriguez an individual resident insurance producer license. Rodriguez has been convicted of two felonies and he has failed to comply with an administrative or court order imposing a child support obligation, as evidenced by his arrearages and convictions.

- 14. The Director has considered Rodriguez's history and all of the circumstances surrounding Rodriguez's Application. Issuing an insurance producer license to Rodriguez would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue an individual resident insurance producer license to Rodriguez.
- 15. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license Application of **Robert Allen Rodriguez** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 31st DAY OF October, 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 2nd November day of November, 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:

Robert Allen Rodriguez
6732 Robbins Avenue
Pagedale, Missouri 63133

Tracking No. 1Z0R15W84299755451


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