



State of Missouri

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

IN RE:)
)
TY ROWTON,) **Case No. 170823358C**
)
Applicant.)

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

On August 21, 2018, the Consumer Affairs Division submitted a petition to the Director alleging cause to refuse to issue a non-resident insurance producer license to Ty Rowton. 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. Ty Rowton (“Rowton”) is a Kansas resident with a business and mailing address of record of 2020 West 89th Street, Floor 2, Leawood, KS 66206.
2. On October 4, 2016, Rowton submitted his completed individual non-resident insurance producer license application (“Application”) to the Department of Insurance, Financial Institutions and Professional Registration (“Department”).
3. Background Question No. 1B of the Application asked, in pertinent 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. Rowton answered “Yes” in response to Background Question No. 1B of the Application.

5. Rowton disclosed that on May 29, 2007, he was convicted of Driving Under the Influence of Alcohol (3rd offence), a Felony in violation of KAS 8-1567.¹ The court sentenced Rowton to twelve months confinement and twelve months' probation. *Kansas v. Ty Lee Rowton*, Johnson Co. Dist. Ct., Case No. 06CR0915. (Rowton did not provide certified court records of this matter along with his Application, but disclosed the conviction by including a short statement and a record of the case history.)
6. Rowton offered the following statement regarding his felony conviction, verbatim:

I got 2 DUI's back in 2005. They ended up combining my probation. I served 10 days in jail and completed probation in Johnson County, KS.
7. On October 20, 2016, after reviewing Rowton's Application, attachments, and statements, Special Investigator Dana Whaley with the Consumer Affairs Division ("Division") sent Rowton an inquiry letter. The inquiry letter was addressed to Rowton's mailing address of record and asked Rowton for certified court records and further explanation of the circumstances surrounding his convictions. The letter cited 20 CSR 100-4.100(2)(A) and informed Rowton that failure to respond could result in refusal of his Application.
8. The United States Postal Service did not return the Division's October 20, 2016 inquiry letter as undeliverable, and therefore Rowton is presumed to have received it.
9. Rowton did not respond to the Division's October 20, 2016 inquiry letter within 20 days, or at all, nor did he demonstrate a reasonable justification for the delay.
10. On November 22, 2016, Special Investigator Whaley sent a second inquiry letter to Rowton requesting the same information and documents requested in the first letter. The letter cited 20 CSR 100-4.100(2)(A) and informed Rowton that failure to respond could result in refusal of his Application.
11. The United States Postal Service did not return the Division's November 22, 2016 inquiry letter as undeliverable, and therefore Rowton is presumed to have received it.
12. Rowton did not respond to the Division's November 22, 2016 inquiry letter within 20 days, or at all, nor did he demonstrate a reasonable justification for the delay.

CONCLUSIONS OF LAW

13. Section 375.141 RSMo (2016),² provides, in relevant part:

¹ All criminal statutory references are to those statutes contained in the version of the Kansas Annotated Statutes ("KAS") under which the court rendered judgment.

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

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:

* * *

- (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]

* * *

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

14. 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.

15. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. 2000) (internal citations omitted).
16. The Director may refuse to issue Rowton an insurance producer license pursuant to § 375.141.1(2) because Rowton failed to respond to the Division's inquiry letters and failed to provide reasonable justifications for the delays, thereby twice violating 20 CSR 100-4.100(2)(A), a regulation of the Director.
17. Each instance in which Rowton violated 20 CSR 100-4.100(2)(A) constitutes a separate and sufficient cause for refusal pursuant to § 375.141.1(2).
18. The Director may refuse to issue Rowton an insurance producer license pursuant to § 375.141.1(6) because Rowton has been convicted of a felony or crime involving moral turpitude, specifically Driving Under the Influence of Alcohol (3rd offence), a Felony in violation of KAS 8-1567. *Kansas v. Ty Lee Rowton*, Johnson Co. Dist. Ct., Case No. 06CR0915.

19. The Director has considered Rowton's history and all of the circumstances surrounding his Application, and exercises her discretion to refuse to issue Rowton a non-resident insurance producer license.
20. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that Ty Rowton's non-resident insurance producer license application is hereby **REFUSED**.

SO ORDERED.

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



Chloria 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.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, a copy of the foregoing Order and Notice was served upon the Applicant in this matter UPS, to the following address:

Ty Rowton
2020 West 89th Street, Floor 2,
Leawood, Kansas 66206

Tracking No. 1Z0R15W84297887643



Kathryn Latimer
Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov