



**FINAL ORDER**  
**EFFECTIVE**  
**07-26-2017**

**State of Missouri**

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION

IN RE:

SCOTT A. McKINNEY,

Applicant.

)  
)  
)  
)  
)

Case No. 170410246C

**ORDER REFUSING TO ISSUE**  
**INSURANCE PRODUCER LICENSE**

On June 23, 2017, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Scott A. McKinney. After reviewing the Petition, the Investigative Report, and relevant documents, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Scott A. McKinney (“McKinney”) is a Missouri resident with a residential and mailing address of 19200 Saint Albans Hills Drive, Wildwood, Missouri, 63038.
2. On or about February 21, 2017, he Department of Insurance, Financial Institutions and Professional Registration (“Department”) received McKinney’s completed application for an individual resident insurance producer license (“Application”).
3. As part of his Application, McKinney disclosed five (5) felony convictions and provided the Department, *inter alia*, certified copies of court records, a letter of explanation, and three (3) letters of reference.
4. On October 11, 2011, McKinney pled guilty to four (4) felonies in *State v. Scott McKinney*, Jefferson Co. Cir. Ct., No. 11JE-CR00465-01.
  - a. McKinney pled guilty to the following four (4) felonies:
    - 1) Assault in the Second Degree, Class C Felony, in violation of § 565.060 RSMo;<sup>1</sup>

<sup>1</sup> All criminal statutory references are to the version of the Revised Statutes of Missouri under which the court entered the judgments.

- 2) Two counts of Assault of a Law Enforcement Officer in the Second Degree, Class C Felonies, in violation of § 565.082; and
  - 3) Unlawful Use of a Weapon, Class D Felony, in violation of § 571.030.1(4).
- b. According to the Complaint in Felony and Request for Warrant, on February 2, 2011, McKinney caused physical injury to S.M.<sup>2</sup> by biting him and to two law enforcement officers by kicking them, and McKinney knowingly exhibited in the presence of one or more persons a semi-automatic pistol in an angry or threatening manner. *Id.*
  - c. On November 22, 2011, the court sentenced McKinney to seven (7) years' incarceration on each of the three (3) Class C Felonies (Assault – in the Second Degree and two counts of Assault of a Law Enforcement Officer) and four (4) years' incarceration for the Class D Felony (Unlawful Use of a Weapon), with sentences to run concurrently. The court suspended the execution of sentence and placed McKinney on probation with special conditions for five (5) years. McKinney was discharged from probation effective November 21, 2016. *Id.*
5. On October 11, 2011, McKinney also pled guilty to Aggravated Stalking, Class D Felony, in violation of § 565.225.3. *State v. Scott McKinney*, Jefferson Co. Cir. Ct., No. 11JE-CR01003-01.
- a. According to the Amended Complaint in Felony, between August 4, 2010 and September 6, 2010, McKinney purposely harassed L.B. and made a credible threat by threatening to kill or cause bodily harm to L.B. and sending pictures of individuals who had been killed. *Id.*
  - b. The court sentenced McKinney to four (4) years' incarceration for the Class D Felony of Aggravated Stalking, to run concurrently with the sentences in *State v. Scott McKinney*, Jefferson Co. Cir. Ct., No. 11JE-CR00465-01. The court suspended the execution of sentence and placed McKinney on probation with special conditions for five (5) years. McKinney was discharged from probation effective November 21, 2016. *State v. Scott McKinney*, Jefferson Co. Cir. Ct., No. 11JE-CR01003-01.

---

<sup>2</sup> Initials are used to protect the identity of the victims.

6. With his Application, McKinney provided the following explanation, verbatim, of his criminal history:

In 2011 I was convicted of felony charges that occurred in February, 2010 and included assault, assault on law enforcement, unlawful use of a weapon, and aggravated stalking (for threats made to a related male). These events followed my Honorable Discharge from the United States Marine Corp and 2004 and 2005 combat experiences in Iraq. Upon leaving the Marine Corp I suffered from PTSD and self-medicated for some time with alcohol rather than seeking appropriate treatment. I had no prior record and have committed no offenses since this very short period of time in which I made poor decisions. After these incidents occurred, I served 9 months in a County jail before being placed on probation, which has been completed successfully, and without a single violation. In that time, I sought treatment through the Veteran's Affairs Hospital as well as through private clinics, and continue ongoing maintenance of my sobriety. I have started a successful treatment center for alcohol and drug addiction to aid others before they too make extremely poor choices. I have obtained a Master's degree and will complete a doctorate within a year. These incidents do not accurately reflect my character but provided an insightful view of the direction I was headed, which I used to create positive change and again become a responsible contributing member of society. I hope that the Missouri Dept. of Insurance Licensing will view this as the single episode that it was rather than a reflection of who I am today.

**CONCLUSIONS OF LAW**

7. Section 375.141 RSMo (Supp. 2013)<sup>3</sup> provides, in 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[.]
8. The Director may refuse to issue a resident insurance producer license to McKinney pursuant to § 375.141.1(6) because he has been convicted of five (5) felonies:
- a. Assault – in the Second Degree, Class C Felony; *State v. Scott McKinney*, Jefferson Co. Cir. Ct., No. 11JE-CR00465-01;

---

<sup>3</sup> All civil statutory references are to RSMo (2000) as updated by RSMo (Supp. 2013) unless otherwise noted.

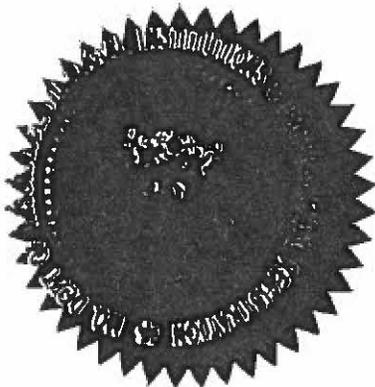
- b. Two counts of Assault of a Law Enforcement Officer in the Second Degree, Class C Felonies; *id.*;
  - c. Unlawful Use of a Weapon, Class D Felony; *id.*; and
  - d. Aggravated Stalking, Class D Felony. *State v. Scott McKinney*, Jefferson Co. Cir. Ct., No. 11JE-CR01003-01.
9. The Director may refuse to issue the resident insurance producer license to McKinney pursuant to § 375.141.1(6) because he has been convicted of five (5) crimes involving moral turpitude:
- a. Assault – in the Second Degree, Class C Felony; *State v. Scott McKinney*, Jefferson Co. Cir. Ct., No. 11JE-CR00465-01;
  - b. Two counts of Assault of a Law Enforcement Officer in the Second Degree, Class C Felonies; *id.*;
  - c. Unlawful Use of a Weapon, Class D Felony; *id.*; and
  - d. Aggravated Stalking, Class D Felony. *State v. Scott McKinney*, Jefferson Co. Cir. Ct., No. 11JE-CR01003-01.
10. The Director has considered McKinney’s history and all of the circumstances surrounding his Application. Issuing a resident insurance producer license to McKinney would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue McKinney a resident insurance producer license.
11. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the resident insurance producer license Application of **Scott A. McKinney** is hereby **REFUSED**.

**SO ORDERED.**

**WITNESS MY HAND THIS** 26<sup>th</sup> **DAY OF** June, 2017.



*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.

[The remainder of this page intentionally left blank.]

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day June, 2017, 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:

Scott A. McKinney  
19200 Saint Albans Hills Drive  
Wildwood, MO 63038

Tracking No. 1Z0R15W84292343480

  
Kimberly Landers

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