



DEPARTMENT OF COMMERCE AND INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

IN RE:

JESSICA M. SHIPLEY,

Applicant.

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Case No. 1910180982C

CONSENT ORDER

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Meaghan Myers Forck, and Jessica M. Shipley, have reached a settlement in this matter and have consented to the issuance of this Consent Order.

FINDINGS OF FACT

1. Chlora Lindley-Myers is the duly appointed Director of the Missouri Department of Commerce and Insurance (the "Director" of the "Department"), whose duties, pursuant to Chapters 374 and 375, RSMo,¹ include the supervision, regulation, and discipline of insurance producers.

2. The Consumer Affairs Division ("Division") has the duty of conducting

¹ All civil statutory references are to RSMo Supp. 2016 unless otherwise noted.

investigations into the acts of insurance producers under Chapters 374 and 375 and is authorized by the Director to investigate and to recommend enforcement action including insurance producer license application refusal.

3. Jessica M. Shipley (“Shipley”) is an Idaho resident with a residential address of 1087 Wilson Ave Trailer 14, Pocatello, ID 83201, and a mailing and business address of 4200 Hawthorne Road, Chubbuck, ID 83202.

4. On or about June 3, 2019, Shipley submitted an electronic application for a non-resident insurance producer license (“Application”) to the Department of Insurance, Financial Institutions and Professional Registration²; along with attachments.

5. 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?”

6. Shipley answered “Yes” to Background Information Question Number 1B. She provided a letter of explanation regarding her criminal past and court documents showing that she was previously convicted of a felony, as follows: On September 27, 2007, the Crook County, Oregon Prosecutor charged Shipley with one count of the Class C Felony of Unlawful Possession of a Controlled Substance, Methamphetamine, in violation of § 475.894, ORS.³ *State of Oregon v. Jessica Marie Nickerson*,⁴ Crook Co., Oregon Cir. Ct., Case No. 07FE-0191. On January 31, 2008, Shipley entered a plea of no contest to the charge. *Id.* Also on

² The Department of Insurance, Financial Institution and Professional Registration is the predecessor agency of the Missouri Department of Commerce and Insurance. *See* Executive Order 19-02.

³ All criminal statutory citations to Oregon statutes are to that version of the Oregon Code under which the court rendered judgment.

⁴ Shipley was formerly known as “Jessica M. Nickerson.”

January 31, 2008, the court sentenced Shipley to eighteen months of supervised probation, with various conditions, including that she complete any recommended treatment, and serve ten days in jail, with credit allowed for time served. *Id.*

7. Background Question No. 7 of the Application asked:

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 currently the subject of a child support related subpoena/warrant? (If you answered yes, provide documentation showing proof of current payment or approved repayment plan from the appropriate state child support agency.)

8. Shipley answered "Yes" to Background Information Question 7 and indicated in response to Question 7a that she was 96 months in arrearage on her child support. Shipley stated on her Application that she was currently in compliance with a child support repayment agreement. Shipley was ordered to pay \$204.00 per month support for the support of her minor child. *State of Idaho v. Jessica Marie Shipley*, Bonneville Co. Dist. Ct., Case No. CV074246. As of August 3, 2020, Idaho Department of Health and Welfare records reflect that Shipley owes \$24,291.85 in arrears on this case. Shipley has been regularly making payment of approximately \$166.62 every two weeks since July 1, 2019.

9. Shipley acknowledges and understands that under § 375.141.1(6), the Director may refuse to issue an insurance producer license to Shipley because Shipley has been convicted of a felony.

10. Shipley acknowledges and understands that under § 375.141.1(6), the Director may refuse to issue an insurance producer license to Shipley because Shipley has been

convicted of a crime involving moral turpitude.

11. Shipley acknowledges and understands that under § 375.141.1(13), the Director may refuse to issue an insurance producer license to Shipley because Shipley has failed to comply with an administrative or court order imposing child support. *State of Idaho v. Jessica Marie Shipley*, Bonneville Co. Dist. Ct., Case No. CV074246.

12. Shipley acknowledges and understands that she has the right to consult counsel at her own expense.

13. Shipley stipulates and agrees to waive any waivable rights that she may have to a hearing before the Administrative Hearing Commission or the Director, and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Consent Order and forever releases and holds harmless the Department, the Director and her agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

14. Shipley acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Shipley further acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications and that it is her responsibility to comply with the reporting requirements of each state in which she is licensed.

15. Each signatory to this Consent Order certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she represents, to accept the terms and provisions of this Consent Order in their entirety, and agrees, in his or her personal or representational capacity, to be bound by the terms of this Consent Order.

Conclusions of Law

16. Section 375.141.1 provides, in relevant 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 any administrative or court order imposing a child support obligation[.]

17. The facts admitted herein by Shipley provide cause for the Director to refuse to issue a non-resident insurance producer license to Shipley pursuant to § 375.141.1(6).

18. The facts admitted herein by Shipley provide cause for the Director to refuse to issue a non-resident insurance producer license to Shipley pursuant to § 375.141.1(13).

19. The Director is authorized to settle this matter and issue this Consent Order pursuant to §§ 374.046, 536.060, and 621.045.

20. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Consent Order is in the public interest.

22. The terms set forth in this Consent Order are an appropriate disposition of this matter and issuance of this Consent Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that Department will issue a non-resident individual insurance producer license to Jessica M. Shipley, subject to the conditions set forth herein:

1. Shipley shall respond to all inquiries and consumer complaints forwarded or

otherwise communicated to her by the Department or the consumer within five (5) business days of receipt.

2. Shipley shall report in writing all consumer complaints, both written and oral, with a copy of Shipley's response, to the Division within five (5) business days of receipt. If a complaint is not communicated to Shipley by the Department, Shipley shall send a copy of the complaint and Shipley's response to the consumer to the Department within five (5) business days of receipt.

3. Shipley shall report to the Department any violation of or failure to comply with the laws set forth in Chapters 374 or 375 within five (5) business days of such violation or failure to comply.

4. Shipley shall report to the Department any administrative action taken against Shipley in another jurisdiction or by another governmental agency in this state within five (5) business days after she receives notification of the initiation of such administrative action.

5. Shipley shall report to the Department any probation violation, probation revocation, arrest, citation, guilty plea, *nolo contendere* plea, finding of guilt or conviction concerning a felony or misdemeanor within five (5) business days of such occurrence.

6. Shipley shall comply with any existing child support order in the amount and at the intervals specified by the court in the aforementioned case. *State of Idaho v. Jessica Marie Shipley*, Bonneville Co. Dist. Ct., Case No. CV074246. Additionally, Shipley shall ensure that her child support arrearage shall not exceed \$30,000.00. Shipley shall comply with any payment agreements entered into with the Idaho Department of Health and Welfare for the support and arrears owed in case number CV074246.

7. The special conditions listed in the preceding six (6) paragraphs will expire upon the expiration, lapse, termination, revocation, or renewal of Shipley's insurance producer license,

whichever comes first.

IT IS FURTHER ORDERED that for five (5) years subsequent to the date of this executed Consent Order, Shipley will voluntarily surrender her license to the Department within thirty (30) days of Shipley's entry of a guilty plea, nolo contendere plea, or finding of guilty or conviction for a felony, regardless of whether sentence is imposed, suspended, or executed.

IT IS FURTHER ORDERED that if Shipley maintains her non-resident insurance producer license beyond the term of this Consent Order and complies with the terms of this Consent Order, Shipley may apply to renew her license and the Director shall consider the renewal application in accordance with Chapters 374 and 375, and without regard to the following prior felony conviction: *State of Oregon v. Jessica Marie Nickerson*, Crook Co. Cir. Ct., Case No. 07FE-0191.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, and without limitation, as authorized by Chapters 374 and 375 including remedies for violation of, or failure to comply with, the terms of this Consent Order.

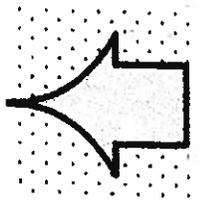
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 25th DAY OF September, 2020.


CHLORA LINDLEY-MYERS, Director
Missouri Department of Commerce and
Insurance



CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Shipley has the right to a hearing, but that Shipley has waived the hearing and agreed to the issuance of this Consent Order.



Jessica M. Shipley
Jessica M. Shipley, Applicant
4200 Hawthorne Rd.
Chubbuck, ID 83202-2743

9/22/2020
Date

Counsel for Applicant
Missouri Bar #: _____
Address: _____

Telephone: _____
Facsimile: _____
E-mail: _____

Date

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9/24/20
Date