



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)
)
 ASHLEY NICOLE SULLIVAN,) Case No. 2205310566C
)
 Applicant.)

ORDER REFUSING TO ISSUE
A NON-RESIDENT INSURANCE PRODUCER LICENSE

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up this matter for consideration and disposition. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues these findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Ashley Nicole Sullivan (“Sullivan”) is a resident of the state of Virginia with a reported residential and mailing address of 108 Dover Drive, Ruther Glen, Virginia 22546 and a business address of 1 Geico Boulevard, Fredericksburg, Virginia 22412. Her reported individual and business email address is ASHSULLIVAN@GEICO.com.
1. On January 11, 2022, the Department of Commerce and Insurance (“Department”) received an electronic application for a non-resident insurance producer license (“Application”) from Sullivan.
2. Background Question No. 1A asks:

Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)

3. Background Question No. 1B on her Application states:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)

5. Background Question No. 2 on her Application asks:

Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration? "Involved" means having a license censured, suspended, revoked, canceled, terminated; or being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. "Involved" also means having a license, or registration application denied or the act of withdrawing an application to avoid a denial. INCLUDE any business so named because of your actions in your capacity as an owner, partner, officer or director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee. If you answer yes, you must attach to this application: a) a written statement identifying the type of license and explaining the circumstances of each incident, b) a copy of the Notice of Hearing or other document that states the charges and allegations, and c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

6. The Application included an Attestation Section, which provided in pertinent part:

I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with the application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

7. Sullivan answered “Yes” to the Attestation Section of the Application, certifying that the information she submitted was complete and accurate.
8. Sullivan answered “Yes” to Background Questions No. 1A and 1B on her Application and provided certain documents, which she had uploaded to the National Insurance Producer’s Registry (“NIPR”), Attachment Warehouse.
9. Sullivan answered “No” to Background Question No. 2 on her Application.
10. The documents Sullivan provided showed that on or about September 4, 2018, she was charged with Possess Schedule I or II Drug, in violation of Section 18.2-250 of the Code of Virginia, a Class 5 Felony; Possess Controlled Paraphernalia, in violation of Section 54.1-3466 of the Code of Virginia, a Misdemeanor; Possess Schedule III Drug, in violation of Section 18.2-250 of the Code of Virginia, a Misdemeanor; and Marijuana-Possession Less than One Half (1/2) ounce, in violation of Section 18.2-250.1 of the Code of Virginia, a Misdemeanor. *Commonwealth of Virginia v. Ashley Nicole Sullivan*, Stafford Cty., VA Cir. Ct., Case No. CR18000914-00 to 03.
11. The documents also showed that on November 20, 2018, Sullivan pled guilty to the offense of Possess Schedule I or II Drug, in violation of Section 18.2-250 of the Code of Virginia, a Class 5 Felony; and Possess Controlled Paraphernalia, in violation of Section 54.1-3466 of the Code of Virginia, a Misdemeanor. The Stafford County, Virginia Attorney for the Commonwealth moved to nolle pross the remaining two misdemeanor counts. The Stafford County, Virginia Circuit Court found Sullivan guilty on the felony and misdemeanor counts to which Sullivan had pled guilty and further ordered that sentencing would occur at a later date following an investigation and report by the probation officer. *Id.*
12. Finally, the documents provided showed that on May 23, 2019, the Stafford County, Virginia court sentenced Sullivan to confinement for two (2) years on the felony count and twelve (12) months on the misdemeanor count, to run consecutive with all other sentences. The Court then suspended both sentences and placed Sullivan on supervised probation for a period of five (5) years. Sullivan’s probation is not set to expire until 2024. *Id.*

13. Because Sullivan disclosed that she had been convicted of a felony, the Department's Regulatory Services Section forwarded Sullivan's Application to the Department's Consumer Affairs Division ("Division") to review. The Division conducted an investigation of Sullivan's Application.
14. On February 8, 2022, Dennis Fitzpatrick ("Fitzpatrick"), one of the Division's Special Investigators, sent Sullivan an email asking for information about a suspension of a license as a registered nurse issued to Sullivan by the Virginia Department of Health Professions. The suspension of Sullivan's nursing license occurred on October 7, 2016. The February 8, 2022, email cited 20 CSR 100-4.100(2)(A) and informed her that a response was due within twenty days.
15. On February 8, 2022, Sullivan responded to Fitzpatrick's email with her explanation about the suspension of her nursing license and stated that she had misunderstood Background Question No. 2 when she answered it on her Application.
16. Following receipt of Sullivan's Application, Fitzpatrick learned that on March 1, 2022, the Connecticut Insurance Department denied Sullivan's application for an insurance producer license in that state under § 38a-702s of the Connecticut General Statutes ("CGS"), which provides that the Connecticut Insurance Commissioner may deny an applicant a license based on the applicant's conviction of a felony. Additionally, pursuant to CGS § 38a-769, each applicant for an insurance producer license in Connecticut must furnish satisfactory evidence that the applicant is of good moral character.
17. Also following receipt of Sullivan's Application, Fitzpatrick learned that on March 1, 2022, the Illinois Department of Insurance refused to issue Sullivan a non-resident insurance producer license in that state because Sullivan could not demonstrate to the Illinois Director sufficient rehabilitation following her felony charge to warrant the public trust. Sections 500-70 and 500-76(a)(d) of the Illinois Insurance Code. (215 ILCS 5/500-70 and 5/500-76(a)(4)).

CONCLUSIONS OF LAW

18. Section 375.141, RSMo (2016),¹ states, in relevant 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:
 - (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;

¹ All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;

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

(9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory[.]

19. The Director may refuse to issue Sullivan a non-resident insurance producer license pursuant to § 375.141.1(6) because Sullivan has been convicted of a felony. *Commonwealth of Virginia v. Ashley Nicole Sullivan*, Stafford Cty., VA Cir. Ct., Case No. CR18000914-00 to 03.
20. The Director may refuse to issue Sullivan a non-resident insurance producer license pursuant to § 375.141.1(6) because she has been convicted of crimes involving moral turpitude. Both of her convictions were for drug-related offenses. “Courts invariably find moral turpitude in the violation of narcotic laws,” *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985).
21. Each conviction for a crime involving moral turpitude constitutes separate grounds for discipline.
22. The Director may refuse to issue Sullivan a non-resident insurance producer license pursuant to § 375.141.1(9) because Connecticut and Illinois denied or refused Sullivan’s application for an insurance producer license in those states.
23. The Director may refuse to issue Sullivan a non-resident insurance producer license pursuant to § 375.141.1(1) because Sullivan failed to disclose that her license as a registered nurse had been suspended in Virginia in response to Background Question No. 2.
24. The Director may refuse to issue Sullivan a non-resident insurance producer license pursuant to § 375.141.1(3) because Sullivan attempted to obtain a license through a material misrepresentation when she failed to disclose that her license as a registered nurse had been suspended in Virginia despite clear language in Background Question No. 2 asking whether the applicant has had any professional license disciplined in this or any other state.
25. Accordingly, and for all of the reasons given in this Petition, the Director has considered Sullivan’s history and all of the circumstances surrounding Sullivan’s

Application and is exercising her discretion to refuse Sullivan's Application for a non-resident insurance producer license.

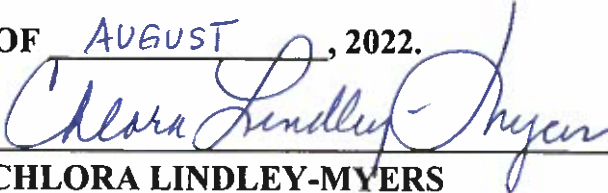
26. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license Application of **Ashley Nicole Sullivan** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 17th **DAY OF** AUGUST, 2022.



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 18th day of August 2022, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United States Parcel Service, signature required, at the following address:

Ashley Nicole Sullivan
108 Dover Drive
Ruther Glen, VA 22546

Tracking No. 1Z0R15W84293923137

A handwritten signature in blue ink that reads "Kathryn Latimer". The signature is written in a cursive style and is positioned above a horizontal line.

Kathryn Latimer
Missouri Department of Commerce
and Insurance
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492