



FINAL ORDER
EFFECTIVE
12-05-2017

State of Missouri
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
CLARENCE CLIFFORD BAKER,) **Case No. 170823360C**
)
Applicant.)

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On October 25, 2017, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a resident insurance producer license to Clarence Clifford Baker. After reviewing the Petition, 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. Clarence Clifford Baker ("Baker") is a Missouri resident with a business, residential, and mailing address of 3928 Windemer Drive, Saint Louis, Missouri 63033-4052.
2. On July 30, 1993, Baker pled guilty to, and was convicted of, Stealing \$150 or More by Deceit, a Class C Felony, in violation of § 570.030.¹ The court sentenced him to three years' incarceration, but suspended execution of the sentence and ordered him to complete three years' supervised probation. On April 15, 1994, the court revoked Baker's probation and ordered his sentence executed. *State v. Clarence C. Baker*, St. Louis Co. Cir. Ct., Case No. 2193R-02017-01 ("*Baker I*").
3. Also on July 30, 1993, but in a different case, Baker pled guilty to, and was convicted of, Stealing \$150 or More by Deceit, a Class C Felony, in violation of § 570.030. The court sentenced him to three years' incarceration, but suspended execution of the sentence and ordered him to complete three years' supervised probation. On April 15, 1994, the court revoked Baker's probation and ordered his sentence executed. *State v. Clarence C. Baker*, St. Louis Co. Cir. Ct., Case No. 2193R-02907-01 ("*Baker II*").
4. On October 31, 1994, Baker pled guilty to, and was convicted of, Stealing Over \$150 - Auto, a Class C Felony, in violation of § 570.030. The court sentenced him to six months' incarceration, to be served concurrently with the sentences imposed in *Baker I*

¹ All criminal statutory references are to those contained in the version of the Missouri Revised Statutes pursuant to which each judgment was rendered.

and *Baker II. State v. Clarence Baker*, St. Louis City Cir. Ct., Case No. 22941-00189 (“*Baker III*”).

5. On December 15, 2004, Baker pled guilty to, and was convicted of, Stealing, a Class A Misdemeanor, in violation of § 570.030. The court sentenced him to thirty days’ incarceration. *State v. Clarence Clifford Baker*, St. Charles Co. Cir. Ct., Case No. 02CR129930 (“*Baker IV*”).
6. On July 8, 2005, Baker pled guilty to, and was convicted of, Stealing \$500 or More, a Class C Felony, in violation of § 570.030. The court sentenced him to nine months’ incarceration, to be served concurrently with the sentence in *Baker VI*.² *State v. Clarence C. Baker*, St. Louis Co. Cir. Ct., Case No. 2105CR-00464-01 (“*Baker V*”).
7. On July 26, 2005, Baker was convicted, after earlier being found guilty, of Receiving Stolen Property, a Class A Misdemeanor, in violation of § 570.080. The court sentenced him to nine months’ incarceration, to be served concurrently with the sentence in *Baker V. State v. Clarence C. Baker*, St. Louis Co. Cir. Ct., Case No. 2102CR-05215 (“*Baker VI*”).
8. On November 28, 2005, Baker pled guilty to, and was convicted of, two counts of Second Degree Domestic Assault, each a Class C Felony, in violation of § 565.073, two counts of Third Degree Domestic Assault, each a Class A Misdemeanor, in violation of § 565.074, and one count of Resisting Arrest, a Class D Felony, in violation of § 575.150. The court sentenced him to seven years’ incarceration on each count, to be served concurrently, but suspended execution of the sentences and ordered Baker to complete two years’ supervised probation. *State v. Clarence C. Baker*, St. Louis City Cir. Ct., Case No. 22041-00297 (“*Baker VII*”).
9. On February 15, 2007, Baker was convicted, upon an earlier guilty plea, for Sale of a Controlled Substance, a Class B Felony, in violation of § 195.211. The court sentenced him to seven years’ incarceration. *State v. Clarence C. Baker*, St. Louis Co. Cir. Ct., Case No. 2106R-03529B-01 (“*Baker VIII*”).
10. On May 12, 2009, Baker pled guilty to, and was convicted of, Stealing Under \$500, a Class A Misdemeanor, in violation of § 570.030. The court sentenced him to ninety days’ incarceration. *State v. Clarence Baker*, St. Charles Co. Cir. Ct., Case No. 0711-CR07219 (“*Baker IX*”).
11. On February 27, 2012, the Saint Louis County Circuit Court entered a judgment against Baker ordering him to pay \$143.00 monthly for the support of one minor child. Court records do not reflect any satisfaction of the judgment.³ *Div. of Family Servs. et al. v. Clarence Clifford Baker*, St. Louis Co. Cir. Ct., Case No. 12SL-DR01355.

² See paragraph 7, *infra*.

³ As of October, 2017, records from the Missouri Department of Social Services indicate an outstanding arrearage of \$3,328.00.

12. On March 7, 2016, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Baker’s electronic resident insurance producer license application (“Application”).
13. Baker answered “No” to Background Question 7 of the Application, which asked: “Do you have a child support obligation in arrearage?”
14. Baker answered “Yes” to Background Question 1A of the Application which asked, in relevant part: “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?”
15. Baker also answered “Yes” to Background Question 1B of the Application which asked, 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?”
16. Background Question 1 of the Application concludes with the instructions:

If you answer yes to [Background] questions [1A or 1B], you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document,
- c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

17. With his Application, Baker provided court records and information regarding only *Baker VIII*, and did not provide any documents or information related to any of his other prosecutions.
18. As a condition of submission, Baker accepted the Applicant’s Certification and Attestation section of his Application which stated, in relevant 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 this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

* * *

I further certify that, under penalty of perjury, a) I have no child-support obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.

19. On May 6, 2016, Special Investigator Dana Whaley of the Department's Consumer Affairs Division ("Division") sent Baker a letter by first-class mail, postage prepaid, requesting additional information and court records regarding Baker's disclosed and undisclosed criminal convictions. The inquiry letter advised that his response was due "within twenty (20) days" and that failure to respond "could result in disciplinary action."
20. The United States Postal Service did not return the Division's May 6, 2016 inquiry letter as being undeliverable, or for any other reason; therefore, Baker is presumed to have received it.
21. Baker never responded to the Division's May 6, 2016 inquiry letter.
22. Baker has never demonstrated any reasonable justification for his nonresponsiveness to the Division's May 6, 2016 inquiry letter.
23. It is inferable, and hereby found as fact, that Baker failed to disclose his child support arrearage and most of his criminal history by his Application in order to misrepresent his qualifications and increase the chance that the Director would exercise her discretion to issue him a resident insurance producer license.

CONCLUSIONS OF LAW

24. Section 375.141.1, RSMo⁴ 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:

- (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;
- (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;
- (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; [or]

* * *

⁴ All civil statutory references are to the 2013 Cumulative Supplement of the Missouri Revised Statutes.

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

25. "Courts invariably find moral turpitude in the violation of narcotic laws." *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985) (internal citations omitted).
26. "Theft has been held to involve moral turpitude." *Id.* (internal citation omitted).
27. Title 20 CSR 100-4.100(2)(A) is a regulation of the Director and 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.
28. "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. E.D. 2000) (internal citation omitted).
29. The Director may refuse to issue Baker a resident insurance producer license pursuant to § 375.141.1(1) because he intentionally provided materially incorrect and untrue information by failing to disclose his child support arrearage as required by the Application, and he intentionally provided misleading and incomplete information by failing to disclose his full criminal history as required by the Application.
30. Each instance in which Baker intentionally provided materially incorrect, misleading, incomplete, or untrue information in his Application is a separate and sufficient cause for refusal pursuant to § 375.141.1(1).
31. The Director may refuse to issue Baker a resident insurance producer license pursuant to § 375.141.1(2) because he violated a regulation of the Director, specifically 20 CSR 100-4.100, by failing to respond to the Division's May 6, 2016 inquiry letter and not demonstrating any reasonable justification for his nonresponsiveness.
32. The Director may refuse to issue Baker a resident insurance producer license pursuant to § 375.141.1(3) because he attempted to obtain a license through material misrepresentation or fraud by concealing his child support arrearage and the vast majority of his criminal history.

33. The Director may refuse to issue Baker a resident insurance producer license pursuant to § 375.141.1(6) because he has been convicted of felonies or crimes involving moral turpitude, specifically:
- a. Stealing \$150 or More by Deceit, a Class C Felony, *Baker I*;
 - b. Stealing \$150 or More by Deceit, a Class C Felony, *Baker II*;
 - c. Stealing Over \$150 - Auto, a Class C Felony, *Baker III*;
 - d. Stealing, a Class A Misdemeanor, *Baker IV*;
 - e. Stealing \$500 or More, a Class C Felony, *Baker V*;
 - f. Receiving Stolen Property, a Class A Misdemeanor, *Baker VI*;
 - g. Second Degree Domestic Assault, a Class C Felony, *Baker VII*;
 - h. Second Degree Domestic Assault, a Class C Felony, *id.*;
 - i. Third Degree Domestic Assault, a Class A Misdemeanor, *id.*;
 - j. Third Degree Domestic Assault, a Class A Misdemeanor, *id.*;
 - k. Resisting Arrest, a Class D Felony, *id.*;
 - l. Sale of a Controlled Substance, a Class B Felony, *Baker VIII*; and
 - m. Stealing Under \$500, a Class A Misdemeanor, *Baker IX*.
34. Each of Baker's convictions for a felony or crime involving moral turpitude constitutes a separate and sufficient ground for refusal pursuant to § 375.141.1(6).
35. The Director may refuse to issue Baker a resident insurance producer license pursuant to § 375.141.1(13) because he has failed to comply with a court order imposing a child support obligation. *See Div. of Family Servs. et al. v. Clarence Clifford Baker*, St. Louis Co. Cir. Ct., Case No. 12SL-DR01355.
36. The Director has considered Baker's history and all of the circumstances surrounding Baker's Application. Issuing a resident insurance producer license to Baker would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue a resident insurance producer license to Baker.
37. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of **Clarence Clifford Baker** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 2nd DAY OF November, 2017.



Chlora Lindley-Myers
CHLORA LINDLEY-MYERS, Director
Missouri Department of Insurance, Financial
Institutions and Professional Registration

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 day of November, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Clarence Clifford Baker
3928 Windemer Drive
Saint Louis, Missouri 63033-4052

No. 1Z0R15W84297417669



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