



FINAL ORDER
EFFECTIVE
11-17-2017

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

IN RE:)
)
JASON HOWARD ENGLAND,) **Case No. 170531290C**
)
Applicant.)

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On August 7, 2017, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a nonresident insurance producer license to Jason Howard England. 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. Jason Howard England (“England”) is a Florida resident with a residential address of 1690 Thomas Street, Titusville, Florida 32780-6258.
2. On November 6, 2016, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received England’s electronic nonresident insurance producer license application (“Application”).
3. Background Question 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 the subject of a child support related subpoena/warrant?
(If you answered yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)

4. England answered “Yes” to Background Question 7 of the Application, and further indicated that he owed 13 months’ arrears, but that he was in compliance with a repayment agreement. He did not provide any documentation regarding his child support.

5. On January 22, 2013, England was ordered to pay child support with respect to three children. *Kyzer-England v. England*, Brevard Co., Fla. Cir. Ct., Case No. 05-2011-DR-044947.
6. On October 19, 2016, the court entered a “Judgment/Certificate of Delinquency” finding that England owed a “total support arrearage [of] \$14,018.67 ... not including any costs or fees.” *Id.*
7. On November 29, 2016, Special Investigator Jodi Lehman with the Consumer Affairs Division of the Department (“Special Investigator Lehman” of the “Division”) sent England an inquiry letter by first-class mail, postage prepaid, to his residential address. The inquiry letter asked for information and documents regarding England’s child support, and warned that failure to respond “in twenty days ... could be a ground for discipline or refusal of your license.”
8. The November 29, 2016 inquiry letter was not returned to the Division as undeliverable; therefore, England is presumed to have received it.
9. England never responded to the November 29, 2016 inquiry letter.
10. On December 27, 2016, Special Investigator Lehman sent England a second inquiry letter by the same method. It was substantially identical to the first inquiry letter, except for the cautionary header “**2nd Request**” and the new date.
11. The December 27, 2016 inquiry letter was not returned to the Division as undeliverable; therefore, England is presumed to have received it.
12. England never responded to the December 27, 2016 inquiry letter.
13. On January 18, 2017, Special Investigator Lehman sent England a third inquiry letter by certified mail. It was substantially identical to the first and second inquiry letters, except for the cautionary header “**3rd REQUEST CERTIFIED**” and the new date.
14. The United States Postal Service’s return receipt for the third inquiry letter indicated that it was delivered three days later to an “Agent” of England at his residential address.
15. England never responded to the January 18, 2017 inquiry letter.
16. England did not demonstrate any reasonable justification for his failure to respond to the Division’s inquiry letters.

CONCLUSIONS OF LAW

17. Section 375.141.1, RSMo¹ 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:

* * *

- (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]

* * *

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

18. 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.

19. "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).
20. The Director may refuse to issue England a nonresident insurance producer license pursuant to § 375.141.1(2) because he violated a regulation of the Director, specifically 20 CSR 100-4.100, when he failed to respond to each of three inquiry letters from the Division, and failed to demonstrate reasonable justification for his nonresponsiveness.
21. Each violation of a regulation of the Director is a separate and sufficient cause for refusal pursuant to § 375.141.1(2).
22. The Director may refuse to issue England a nonresident insurance producer license pursuant to § 375.141.1(13) because he failed to comply with a court order imposing a child support obligation. *See Judgment/Certificate of Delinquency, Kyzer-England v. England*, Brevard Co., Fla. Cir. Ct., Case No. 05-2011-DR-044947.

¹ All statutory references are to the 2016 Missouri Revised Statutes.

23. The Director has considered England's history and all of the circumstances surrounding England's Application. Issuing a nonresident insurance producer license to England would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue a nonresident insurance producer license to England.
24. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the nonresident insurance producer license application of **Jason Howard England** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 11th DAY OF August, 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 14th day of August, 2017, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by UPS, signature required service, at the following address:

Jason Howard England
1690 Thomas Street
Titusville, Florida 32780-6258

No. 1Z0R15W84294636446



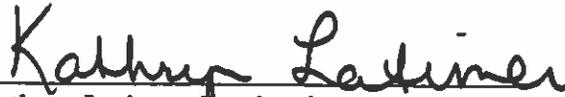
Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of August, 2017, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by USPS, certified mail, at the following address:

Jason Howard England
1690 Thomas Street
Titusville, Florida 32780-6258

Certified No. 7016 3010 0000 4563 0178



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

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2017, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by USPS, first class mail, at the following address:

Jason Howard England
1690 Thomas Street
Titusville, Florida 32780-6258


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