



State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

IN RE:)
)
TAWANDA UNIQUE BROWN,) **Case No. 180823831C**
)
Applicant.)

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

On January 14, 2018, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Tawanda Unique Brown. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Tawanda Unique Brown (“Brown”) is a Pennsylvania resident with a residential, business, and mailing address of record of 1937 N. 3rd Street, Rear 1, Harrisburg, Pennsylvania 17102.
2. On September 26, 2017, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Brown’s electronic application for a resident insurance producer license (“Application”).
3. The applicant’s attestation section of the Application reads, 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.

4. Background Question No. 1A of the Application 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)[.]

5. Background Question No. 1B of 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? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).

6. Brown answered “Yes” to Background Question No. 1A and Background Question No. 1B.
7. Brown attached a letter to her Application indicating that she was arrested for and convicted of disorderly conduct in March 2000 in Carlisle, Pennsylvania, Aggravated Assault, Simple Assault, and Theft by Unlawful Taking in 2003 in Carlisle, Pennsylvania, and Driving Unregistered Vehicle and Possession of Drug Paraphernalia in 2013 in Harrisburg, Pennsylvania. Brown also provided explanations of her actions in these cases. The Division’s investigation of these cases revealed the following additional information:

a. On or about March 17, 2000, Brown committed the offense of Disorderly Conduct, a third degree misdemeanor, in violation of 18 Pa. C.S.A. § 5503.¹ *Commonwealth of Pennsylvania v. Tawanda Unique Brown*, Pennsylvania Ct. of Common Pleas, Cumberland Co., Ninth Judicial District, Case No. CP-21-CR-0000710-2000. On September 6, 2000, Brown pled guilty to the charge and the court sentenced her to 30 days in jail with credit for time served. *Id.* The court paroled Brown immediately and indicated that it would not place Brown on supervision provided that Brown remained on good behavior. *Id.*;

b. On or about June 29, 2003, Brown committed the offenses of Aggravated Assault, a first degree felony, in violation of 18 Pa. C.S.A. § 2702, Simple Assault, a second degree misdemeanor, in violation of 18 Pa. C.S.A. § 2701, and Theft by Unlawful Taking, a second degree misdemeanor, in violation of 18 Pa. C.S.A. § 3921. *Commonwealth of Pennsylvania v. Tawanda U. Brown*, Pennsylvania Ct. of Common

¹ All criminal statutory citations are to that version in effect at the time of the commission of the crime.

Pleas, Cumberland Co., Ninth Judicial District, Case No. CP-21-CR-1456-2003. On January 23, 2004, a jury found Brown guilty of the charges and on March 9, 2004, the court sentenced her to not less than five months nor more than two years less one day and restitution for both assault counts, and costs for the theft count. *Id.*; and

c. On or about October 19, 2013, Brown committed the offenses of Driving an Unregistered Vehicle, a summary charge, in violation of 75 Pa. C.S.A. § 1301, and Possession of Drug Paraphernalia, an ungraded misdemeanor, in violation of 35 Pa. C.S.A. § 780-113(a)(32). *Commonwealth of Pennsylvania v. Tawanda U. Brown*, Pennsylvania Ct. of Common Pleas, Dauphin Co., Case No. CP-22-CR-0000268-2014. On March 10, 2014, Brown pled guilty to the charges and the court sentenced her to a \$25.00 fine for Driving an Unregistered Vehicle and a \$50.00 fine for Possession of Drug Paraphernalia. *Id.*

8. Brown also attached Pennsylvania and New York criminal history records to her Application.
9. The Division's investigation revealed the following additional details regarding Brown's criminal history that she failed to disclose on her Application:
 - a. Between August 1, 2006 and February 28, 2007, Brown committed one count of Violation of Public Assistance Law (Welfare Fraud), a third degree felony, in violation of 62 Pa. C.S.A. § 481(a) and two counts of Conspiracy to Commit Violation of Public Assistance Law (Welfare Fraud), a third degree felony, in violation of 18 Pa. C.S.A. § 903. On September 15, 2008, Brown pled *nolo contendere* to the charges. *Commonwealth of Pennsylvania v. Tawanda U. Brown*, Pennsylvania Ct. of Common Pleas, Dauphin Co., Case No. CP-22-CR-148-2008. Also on September 15, 2008, the court sentenced Brown to four years of probation on each count and restitution. *Id.*
10. It is inferable, and hereby found as fact, that Brown did not reveal her convictions for welfare fraud and conspiracy to commit welfare fraud on her Application in the hopes that the Director would look more favorably upon Brown's Application and issue an insurance producer license to Brown.
11. On May 3, 2018, Brown and the Insurance Commissioner of the Commonwealth of Pennsylvania ("Pennsylvania Insurance Commissioner") entered into a Consent Order. Under this Consent Order, Brown's Pennsylvania insurance license was revoked based upon Brown's failure to disclose her convictions for welfare fraud and conspiracy to commit welfare fraud in her Pennsylvania application for an insurance

producer license. *In re: Tawanda Unique Brown*, Insurance Commissioner of the Commonwealth of Pennsylvania, Docket No. CO18-04-011.

CONCLUSIONS OF LAW

12. Section 375.141.1, RSMo 2016,² provides:

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;

* * *

(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]

* * *

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

13. The Director may refuse to issue an insurance producer license to Brown under § 375.141.1(1) because Brown intentionally provided materially incorrect, misleading, incomplete or untrue information in the license application. Brown answered “Yes” in response to Background Questions No. 1 and 2 regarding her criminal history, but Brown failed to disclose her convictions for one count of welfare fraud and two counts of conspiracy to commit welfare fraud. *Commonwealth of Pennsylvania v. Tawanda U. Brown*, Pennsylvania Ct. of Common Pleas, Dauphin Co., Case No. CP-22-CR-148-2008.

14. Each time Brown intentionally provided materially incorrect, misleading, incomplete or untrue information in the license application constitutes a separate and sufficient ground to refuse to issue an insurance producer license to Brown under § 375.141.1(1).

² All further civil statutory references are to RSMo 2016 unless otherwise indicated.

15. The Director may refuse to issue an insurance producer license to Brown under § 375.141.1(3) because Brown attempted to obtain a license through material misrepresentation or fraud. In the Application, Brown failed to disclose her convictions for one count of welfare fraud and two counts of conspiracy to commit welfare fraud. *Commonwealth of Pennsylvania v. Tawanda U. Brown*, Pennsylvania Ct. of Common Pleas, Dauphin Co., Case No. CP-22-CR-148-2008.
16. The Director may refuse to issue an insurance producer license to Brown under § 375.141.1(6) because Brown has been convicted of multiple felonies: one count of welfare fraud and two counts of conspiracy to commit welfare fraud, *Commonwealth of Pennsylvania v. Tawanda U. Brown*, Pennsylvania Ct. of Common Pleas, Dauphin Co., Case No. CP-22-CR-148-2008, and one count of Aggravated Assault. *Commonwealth of Pennsylvania v. Tawanda U. Brown*, Pennsylvania Ct. of Common Pleas, Cumberland Co., Ninth Judicial District, Case No. CP-21-CR-1456-2003.
17. The Director may refuse to issue an insurance producer license to Brown under § 375.141.1(6) because Brown has been convicted of a crime involving moral turpitude. Brown's assaultive convictions (for Simple Assault and Aggravated Assault), *Commonwealth of Pennsylvania v. Tawanda U. Brown*, Pennsylvania Ct. of Common Pleas, Cumberland Co., Case No. CP-21-CR-1456-2003, are crimes of moral turpitude. *State Bd. of Nursing v. Blaine*, No. 08-2134 BN (Mo. Admin. Hrg. Comm'n Sept. 18, 2009) (misdemeanor assault is a crime involving moral turpitude).
18. The Director may refuse to issue an insurance producer license to Brown under § 375.141.1(6) because Brown has been convicted of a crime involving moral turpitude. Brown's convictions of Theft by Unlawful Taking, *id.*, and welfare fraud and conspiracy to commit welfare fraud, *Commonwealth of Pennsylvania v. Tawanda U. Brown*, Pennsylvania Ct. of Common Pleas, Dauphin Co., Case No. CP-22-CR-148-2008, are crimes of moral turpitude. *See Dir. of the Dep't of Ins., Fin. Insts. and Prof'l Reg'n v. Bousquet*, No. 12-1771 DI (Mo. Admin. Hrg. Comm'n Mar. 5, 2013) (felony stealing is a crime of moral turpitude).
19. Each conviction of a felony or crime involving moral turpitude constitutes a separate and sufficient ground for the Director to refuse to issue an insurance producer license to Brown under § 375.141.1(6).
20. The Director may refuse to issue an insurance producer license to Brown under § 375.141.1(9) because Brown has had an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory. On May 3, 2018, the Pennsylvania Insurance Commissioner revoked Brown's license via a Consent Order. *In re: Tawanda Unique Brown*, Insurance Commissioner of the Commonwealth of Pennsylvania, Docket No. CO18-04-011.

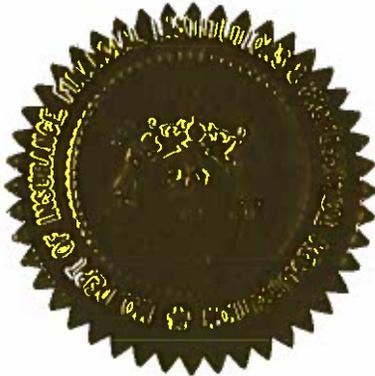
21. The above-described instances are grounds upon which the Director may refuse to issue Brown an insurance producer license. Brown failed to disclose felony convictions for welfare fraud and conspiracy to commit welfare fraud in her Application. She has been convicted of numerous felonies and crimes of moral turpitude. Finally, her Pennsylvania resident insurance producer license has been revoked by her home state.
22. The Director has considered Brown's history and all of the circumstances surrounding Brown's Application. Issuing an insurance producer license to Brown would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Brown an insurance producer license.
23. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license Application of **Tawanda Unique Brown** is hereby **REFUSED**.

SO ORDERED. WITNESS MY HAND THIS 12th DAY OF AUGUST,

2019.



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.

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2019, 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 addresses:

Tawanda Unique Brown
1937 N. 3rd Street, Rear 1
Harrisburg, PA 17102

Tracking No. 1Z0R15W84297297594



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