



State of Missouri

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

IN THE MATTER OF:

**Jason D. Wanstreet,
Applicant.**

Case No. 12-1105580C

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On November 27, 2012, Carolyn H. Kerr, Legal Counsel and Counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Jason D. Wanstreet. After reviewing the Petition, the 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 D. Wanstreet ("Wanstreet") is an individual residing in Missouri.
2. On or about June 8, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Wanstreet's Uniform Application for Individual Producer License/Registration ("Application").
3. In his Application, Wanstreet listed his residential address as 8400 Campbell, Kansas City, Missouri 64131, his business address as 614 E. 99th St., Kansas City, Missouri 64131, and his mailing address as 8403 Boone Blvd., Kansas City, Missouri 64114.
4. In the section of the Application headed "Background Questions," Background Question No. 1 asks: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"
5. Wanstreet answered "Yes" to Background Question No. 1.
6. Wanstreet provided the following documents with his Application relating to his answer to Background Question No. 1:
 - a. A copy of the "Charge/Judgment" page from www.courts.mo.gov/casenet relating to *State of Missouri v. Jason D Wanstreet*, Case No. 0716-CR07026-01; and
 - b. A copy of his Missouri Highway Patrol Criminal Records Report dated June 20, 2012.

7. On March 19, 1992, Wanstreet was found guilty of the Class B Felony of Distributing, Delivering, or Manufacturing a Controlled Substance, in violation of § 195.211, RSMo. The court sentenced Wanstreet to seven years confinement, but suspended the execution of sentence and ordered him to 120 days shock incarceration. *State v. Wanstreet*, Jackson Co. Cir. Ct., Case No. 49200115800.

8. On December 30, 1993, was found guilty of two counts of the Class B Felony of Distributing, Delivering, or Manufacturing a Controlled Substance, in violation of § 195.211, RSMo. The court sentenced Wanstreet to seven years confinement, but suspended the execution of sentence and ordered him to 120 days shock incarceration. *State v. Wanstreet*, Jackson Co. Cir. Ct., Case No. CR921158.

9. Between January 7, 1993 and August 29, 2004, Wanstreet was incarcerated in the Missouri Department of Corrections, Fulton Diagnostic Center on at least four occasions relating to the above-mentioned felony convictions.

10. Section 195.211, RSMo (1992), states, in part, as follows:

1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled substance or to possess with intent to distribute, deliver, manufacture, or produce a controlled substance.

2. Any person who violates this section with respect to any controlled substance except five grams or less of marijuana is guilty of a class B felony[.]

11. An Information was filed on January 20, 2009, charging Wanstreet with the Class C Felony of Possession of a Controlled Substance, in violation of § 195.202, RSMo, in that "on or about the 12th day of May, 2006, [he] possessed cocaine base, a controlled substance, knowing of its presence and nature." *State v. Jason D. Wanstreet*, Jackson Co. Cir. Ct., Case No. 0716-CR07026-01.

12. Based on Wanstreet's guilty plea, the court entered a judgment against Wanstreet on February 10, 2009, sentencing him to three years' incarceration. The court suspended the execution of sentence, ordering Wanstreet to serve two years of probation, to perform 40 hours of community service, undergo random drug screenings, and successfully complete the court's REACT program. Wanstreet completed his probation, and the court released him from its jurisdiction on February 28, 2011.

13. Section 195.202, RSMo (2005), states as follows:

1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his control a controlled substance.

2. Any person who violates this section with respect to any controlled

substance except thirty-five grams or less of marijuana or any synthetic cannabinoid is guilty of a class C felony[.]

CONCLUSIONS OF LAW

14. Section 375.141 provides, in 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:

* * *

(6) Having been convicted of a felony or crime involving moral turpitude[.]

15. A crime involving "moral turpitude" is a crime involving "an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty, and good morals'." *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985).

16. Convictions for the possession and distribution, delivery, or manufacturing of narcotics pursuant to §§ 195.202 and 195.211, respectively, are crimes of moral turpitude. *Brehe v. Missouri Dept. of Elementary & Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007), citing *In re Shunk*, 847 S.W.2d 789, 791-792 (Mo. banc 1993).

17. The principal purpose of § 375.141 RSMo is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. 1984).

CAUSE FOR ORDER REFUSING TO ISSUE INDIVIDUAL PRODUCER LICENSE

18. The Director may refuse to issue an insurance producer license to Wanstreet pursuant to § 375.141.1(6), RSMo, because the crime of distribution, delivery, manufacture or production of a controlled substance, in violation of §195.211, RSMo, is a Class B Felony.

19. The Director may refuse to issue an insurance producer license to Wanstreet pursuant to § 375.141.1(6), RSMo, because the crime of possession of a controlled substance, in violation of §195.202, RSMo, is a Class C Felony.

20. The Director may refuse to issue an insurance producer license to Wanstreet pursuant to § 375.141.1(6), RSMo, because the crimes of possession and distribution, delivery, or manufacturing of narcotics are crimes of moral turpitude.

21. Wanstreet has been convicted of four felonies or crimes of moral turpitude. Therefore, in applying his discretion, the Director has considered all of the facts and

circumstances surrounding Wanstreet's Application for licensure and, for all of the reasons given in this Order, exercises his discretion in refusing to grant Wanstreet's license.

22. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license of JASON D. WANSTREET is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 5TH DAY OF DECEMBER, 2012.




JOHN M. HUFF
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 thirty (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.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2012, a copy of the foregoing notice and order was served upon Jason D. Wanstreet in this matter by U.S. mail, postage pre-paid and by certified mail at the following address:

Jason D. Wanstreet
8400 Campbell
Kansas City, Missouri 64131

Certified Mail # 7009 3410 0001 9255 5863

Jason D. Wanstreet
614 E. 99th St.
Kansas City, Missouri 64131

Certified Mail # 7009 3410 0001 9255 5870

Jason D. Wanstreet
8403 Boone Blvd.
Kansas City, Missouri 64114

Certified Mail # 7009 3410 0001 9255 5887


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