



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

Lovecia I. Jones,

Applicant.

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Case No. 12-0424386C

**ORDER REFUSING TO ISSUE MOTOR VEHICLE
EXTENDED SERVICE CONTRACT PRODUCER LICENSE**

On June 29, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Lovecia I. Jones. 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. Lovecia I. Jones ("Jones") is a Missouri resident with a residential address of 758 DelRay Drive, St. Peters, MO 63376.
2. On or about December 29, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Jones's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Background Question No. 1 of the Application asks, in relevant part: "Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?"
4. Jones marked "Yes" to Question No. 1, and provided with her Application the following documents:
 - a. A letter summarizing her incarceration in Vandalia State Penitentiary "for various charges," the circumstances surrounding her 2010 Driving While License Revoked felony charge, and the steps she has taken since then to better herself.
 - b. A certified copy of the case record from Jones's 2006 Class C Felony of Forgery conviction. *State v. Lovecia I. Jones*, St. Charles Co. Cir. Ct., No. 0611-CR02156-01.
 - c. A certified copy of the case record from Jones's 2010 Class D Felony of Driving

While Revoked conviction. *State v. Lovecia I. Jones*, St. Charles Co. Cir. Ct., No. 0911-CR02957.

5. On or about August 7, 2006, Jones pleaded guilty to the Class C Felony of Forgery, in violation of § 570.090 RSMo (Supp. 2002). The court sentenced her to five years incarceration, suspended the execution of sentence and placed her on probation for five years. On or about November 26, 2007, the court revoked Jones's probation and ordered execution of the sentence. The court sentenced Jones to five years in the custody of the Department of Corrections. Jones reported this conviction on her Application. *State v. Lovecia I. Jones*, St. Charles Co. Cir. Ct., No. 0611-CR02156-01.
6. On or about June 25, 2007, Jones pleaded guilty to the Class A Misdemeanor of Passing a Bad Check, in violation of § 570.120 RSMo (Supp. 2005).¹ The court suspended imposition of the sentence and placed Jones on probation for one year. The court later revoked Jones's probation and sentenced her to six months in the custody of the St. Charles County Detention Center, to be served concurrent with Case No. 0611-CR02156-01. Jones failed to report this conviction on her Application. *State v. Lovecia I. Jones*, St. Charles Co. Cir. Ct., No. 0611-CR08842.
7. On or about August 2, 2007, Jones pleaded guilty to the Class C Felony of Stealing over \$500, in violation of § 570.030 RSMo (Supp. 2005). The court suspended imposition of sentence and placed Jones on probation for five years. The court later revoked Jones's probation and sentenced her to four years in the custody of the Department of Corrections, to be served concurrent with Case No. 0611-CR02156-01. Jones failed to report this conviction on her Application. *State v. Lovecia Ileen Jones*, St. Louis Co. Cir. Ct., No. 07CR-00143C-01.
8. On or about December 1, 2010, Jones pleaded guilty to the Class D Felony of Driving While Revoked in violation of § 302.321 RSMo (Supp. 2005). The court sentenced Jones to one year in the custody of the St. Charles County Jail, with work release authorized. Jones reported this conviction on her Application. *State v. Lovecia I. Jones*, St. Charles Co. Cir. Ct., No. 0911-CR02957.

CONCLUSIONS OF LAW

9. Section 385.209 RSMo provides, in part:

1. The director may suspend, revoke, refuse to issue, or refuse to renew a registration or license under sections 385.200 to 385.220 for any of the following causes, if the applicant or licensee or the applicant's or licensee's subsidiaries or affiliated entities acting on behalf of the applicant or licensee in connection with the applicant's or licensee's motor vehicle extended service contract program has:

¹ All statutory references are to RSMo 2000 as updated by RSMo (Supp. 2011) unless otherwise noted.

* * *

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

* * *

(5) Been convicted of any felony[.]

10. Just as the principal purpose of § 375.141, the insurance producer disciplinary statute, is not to punish licensees or applicants, but to protect the public, *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984), the purpose of § 385.209 is not to punish applicants for a motor vehicle extended service contract producer license, but to protect the public.
11. “A plea of guilty is an admission as to the facts alleged in the information.” *Wallace v. State*, 308 S.W.3d 283, 286-87 (Mo. App. S.D. 2010) (internal citation omitted).
12. Jones may be refused a motor vehicle extended service contract (“MVESC”) producer license pursuant to § 385.209.1(3) because she attempted to obtain a license through material misrepresentation or fraud.
 - a. On or about June 25, 2007, Jones pleaded guilty to the Class A Misdemeanor of Passing a Bad Check. This conviction was not disclosed on her Application. *State v. Lovecia I. Jones*, St. Charles Co. Cir. Ct., No. 0611-CR08842.
 - b. On or about August 2, 2007, Jones pleaded guilty to the Class C Felony of Stealing over \$500. This conviction was not disclosed on her Application. *State v. Lovecia Ileen Jones*, St. Louis Co. Cir. Ct., No. 07CR-00143C-01.
 - c. By failing to disclose these two convictions, Jones misrepresented her criminal background in her attempt to obtain a license.
13. Jones may be refused a MVESC producer license pursuant to § 385.209.1(5) because she has been convicted of three felonies. Each felony is a separate and sufficient ground to refuse her license Application:
 - a. *State v. Lovecia Ileen Jones*, St. Louis Co. Cir. Ct., No. 07CR-00143C-01 (Class C Felony of Stealing over \$500, in violation of § 570.030 RSMo (Supp. 2005)).
 - b. *State v. Lovecia I. Jones*, St. Charles Co. Cir. Ct., No. 0611-CR02156-01 (Class C Felony of Forgery, in violation of § 570.090 RSMo (Supp. 2002)).
 - c. *State v. Lovecia I. Jones*, St. Charles Co. Cir. Ct., No. 0911-CR02957 (Class D Felony of Driving While Revoked in violation of § 302.321 RSMo (Supp. 2005)).

14. Granting Jones a MVESC producer license would not be in the interest of the public. For all of the reasons given in this Order, the Director has considered Jones's history and all of the circumstances surrounding Jones's Application and exercises his discretion to refuse Jones's motor vehicle extended service contract producer license.
15. The Order is in the public interest.


ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Lovecia I. Jones** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 2ND DAY OF JULY, 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 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 10th day of July, 2012 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following address:

Lovecia I. Jones
758 DelRay Drive
St. Peters, MO 63376

Certified No. 7009 3410 0001 8931 3377



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