



FINAL ORDER
EFFECTIVE
10-28-2016

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

IN RE:)
)
 KANDEN TODD LENDERMAN,) Case No. 160708338C
)
 Applicant.)

ORDER REFUSING TO ISSUE MOTOR VEHICLE
EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On September 22, 2016, 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 Kanden Todd Lenderman. After reviewing the Petition and Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Kanden Todd Lenderman ("Lenderman") is a Missouri resident with a residential and mailing address of 1225 W. Terra Ln., O'Fallon, Missouri 63366 and a business address of 1851 Craig Park Court, St. Louis, Missouri 63146.
2. On March 25, 2016, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Lenderman's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Lenderman answered "Yes" in response to Background Question No. 1 of the Application that asks, in relevant part, "Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime?"
4. Background Question No. 1 of the Application also instructs:

If you answer yes, you must attach to this application:

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

5. Lenderman attached a letter to his Application to further explain his response to Background Question No. 1. In his letter, Lenderman stated, in part:

I was charged with 2 counts of possession of controlled substance in September of 2009. I was driving and backed into a car and drove off. I then later was pulled over and charged with 2 felony counts of possession of controlled substance, dwi, and leaving the scene of an accident. I then was placed on probation for 5 years . . . and my probation has been successfully completed.

* * *

I was charged with 1 count of distribution of controlled substance in September of 2011. I was going to meet a girl friend of mine to give her some Vicodin and she set me up with the St Charles Country drug task force and I was arrested. At that time I was placed on probation for 5 years SES felony probation[.]

6. Lenderman additionally attached certified court records, which disclosed:

- a. On November 1, 2010, Lenderman pled guilty to two (2) counts of Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana, a Class C Felony, in violation of § 195.202 RSMo¹ and Leaving The Scene Of Motor Vehicle Accident, a Class A Misdemeanor, in violation of § 577.060 RSMo. The court suspended the imposition of sentence and placed Lenderman on supervised probation for five (5) years. On June 11, 2012, the court revoked Lenderman's probation and sentenced Lenderman to seven (7) years' incarceration, but suspended the execution of sentence and placed Lenderman on supervised probation for five (5) years. On March 20, 2013, the court again revoked Lenderman's probation and sentenced Lenderman to seven (7) years' incarceration, but placed Lenderman in an Institutional Treatment Center. Lenderman was placed on supervised probation for three (3) years following his completion of Institutional Treatment. *State of Missouri v. Kanden Todd Lenderman*, St. Charles Co. Cir. Ct., Case No. 0911-CR06989-01.
- b. On June 11, 2012, Lenderman pled guilty to, and was convicted of, Possession Of A Controlled Substance With Intent To Distribute, a Class B Felony, in violation of § 195.211 RSMo. The court sentenced Lenderman to ten (10) years' incarceration, but suspended the execution of sentence and placed Lenderman on supervised probation for five (5) years. *State of Missouri v. Kanden Todd Lenderman*, St. Charles Co. Cir. Ct., Case No. 1111-CR04970-01.

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

7. During his investigation, Special Investigator Andrew Engler (“Special Investigator Engler”) of the Consumer Affairs Division (“Division”) discovered the following conviction that Lenderman failed to disclose on his Application as required:
 - a. On June 10, 2014, Lenderman pled guilty to, and was convicted of, Trespass – 1st Degree, a Class B Misdemeanor, in violation of § 569.140 RSMo. The court sentenced Lenderman to thirty (30) days’ incarceration, but suspended the execution of sentence and ordered Lenderman to pay a fine, complete forty (40) hours of community service, and to “stay away from the Lumiere casino.” *State of Missouri v. Kanden Lenderman*, St. Louis City Cir. Ct., Case No. 1422-CR01118.
8. On April 5, 2016, after reviewing Lenderman’s Application and his criminal record, Special Investigator Engler sent an inquiry letter to Lenderman requesting a statement regarding the trespassing conviction, an explanation for failing to disclose the trespassing conviction, and certified court records. The inquiry letter further requested a response within twenty (20) days, and warned Lenderman that a failure to respond could result in the Department refusing to issue him a MVESC producer license.
9. The United States Postal Service did not return the April 5, 2016 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Lenderman.
10. Lenderman failed to provide a written response to the Division’s April 5, 2016 inquiry letter, and failed to demonstrate a reasonable justification for the delay.
11. On April 26, 2016, after receiving no response from Lenderman, Special Investigator Engler sent a second inquiry letter to Lenderman. The inquiry letter requested the same information and documentation as requested in the April 5, 2016 inquiry letter. The inquiry letter further requested a response within twenty (20) days, and again warned Lenderman that a failure to respond could result in the Department refusing to issue him a MVESC producer license.
12. The United States Postal Service did not return the April 26, 2016 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Lenderman.
13. Lenderman failed to provide a written response to the Division’s April 26, 2016 inquiry letter, and failed to demonstrate a reasonable justification for the delay.
14. It is inferable, and hereby found as fact, that Lenderman failed to disclose his trespassing conviction on his Application in order to misrepresent the extent of his criminal history to the Director, and accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.

CONCLUSIONS OF LAW

15. Section 385.209.1 RSMo² provides, in relevant part:

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:

* * *

(2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director;

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

* * *

(5) Been convicted of any felony[.]

16. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, is a rule 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.

17. "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. 2000) (internal citations omitted).
18. The Director may refuse to issue a MVESC producer license to Lenderman under § 385.209.1(2) because Lenderman failed to adequately respond to two (2) inquiry letters from the Division and failed to demonstrate a reasonable justification for the delays, thereby twice violating 20 CSR 100-4.100(2)(A), a rule of the Director.
19. Each violation of a rule of the Director is a separate and sufficient ground for refusal pursuant to § 385.209.1(2).

² All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement.

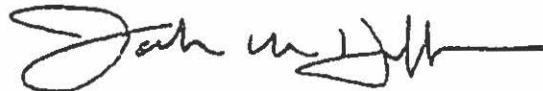
20. The Director may refuse to issue a MVESC producer license to Lenderman under § 385.209.1(3) because Lenderman attempted to obtain a MVESC producer license through material misrepresentation or fraud by failing to disclose his trespassing conviction in his Application in order to misrepresent his criminal history to the Director, and, accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.
21. The Director may refuse to issue a MVESC producer license to Lenderman under § 385.209.1(5) because Lenderman has been convicted of three (3) felonies:
 - a. Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana, a Class C Felony. *State of Missouri v. Kanden Todd Lenderman*, St. Charles Co. Cir. Ct., Case No. 0911-CR06989-01.
 - b. Possession Of Controlled Substance Except 35 Grams Or Less Of Marijuana, a Class C Felony. *Id.*
 - c. Possession With Intent To Distribute, a Class B Felony. *State of Missouri v. Kanden Todd Lenderman*, St. Charles Co. Cir. Ct., Case No. 1111-CR04970-01.
22. Each felony conviction is a separate and sufficient ground for refusal pursuant to § 385.209.1(5).
23. The Director has considered Lenderman's history and all of the circumstances surrounding Lenderman's Application. Issuing Lenderman a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue Lenderman a MVESC producer license.
24. This Order is in the public interest.

ORDER

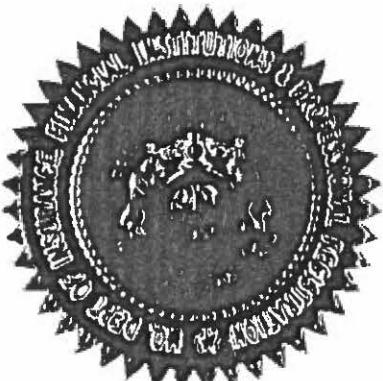
IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of Kanden Todd Lenderman is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 26th DAY OF September, 2016.



JOHN M. HUFF
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 27th day of September, 2016, 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:

Kanden Todd Lenderman
1225 West Terra Lane
O'Fallon, Missouri 63366-2321

No. 1Z0R15W84299043845


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