



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
MONA'E LACRETIA ANN CRIBBS,) Case No. 170313219C
)
Applicant.)

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

On March 17, 2017, the Consumer Affairs Division ("Division") submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Mona'e Loretia Ann Cribbs. After reviewing the Petition, the Investigative Report, and relevant documents, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Mona'e Loretia Ann Cribbs ("Cribbs") is a Missouri resident with a residential and mailing address of 2105 Crystal Dr., St. Louis, Missouri, 63131.
2. On December 20, 2016, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Cribbs's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "Applicant's Certification and Attestation" section of the Application, states, in relevant part:
 1. I hereby certify, under penalty of perjury, that 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. Cribbs accepted the "Applicant's Certification and Attestation" section by signing the Application under oath before a notary public.
5. Background Question No. 1 of the Application asks the following:

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?

“Crime” includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: 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 misdemeanor juvenile convictions.

“Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

“Had a judgment withheld or deferred” includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an “SIS” or “SES”).

Unless excluded by the language above, you must disclose convictions that have been expunged.

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

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

6. Cribbs answered “No” in response to Background Question No. 1.
7. During its investigation, the Division discovered the following convictions that Cribbs failed to disclose on her Application:
 - a. On November 5, 2010, Cribbs pled guilty to the Class A Misdemeanor Theft/Stealing (Value Of Property Or Services Is Less than \$500), in violation of § 570.030 RSMo.¹ The court sentenced Cribbs to 30 days in jail, but suspended the execution of the sentence. The court also ordered, *inter alia*, two (2) years’

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

unsupervised probation and four (4) days' shock incarceration. *State v. Monae*² *L. A. Cribbs*, Cole Co. Cir. Ct., Case No. 10AC-CR02640.

- b. On August 30, 2012, Cribbs pled guilty to the Class A Misdemeanor Theft/Stealing (Value Of Property Or Services Is Less than \$500), in violation of § 570.030. The court sentenced Cribbs to 90 days in jail, but suspended the execution of the sentence. The court also ordered, *inter alia*, two (2) years' unsupervised probation and five (5) days' shock incarceration. *State v. Monae L. A. Cribbs*, Cole Co. Cir. Ct., Case No. 12AC-CR00620.
 - c. On August 30, 2012, Cribbs pled guilty to the Class A Misdemeanor Theft/Stealing (Value Of Property Or Services Is Less than \$500), in violation of § 570.030. The court sentenced Cribbs to 90 days in jail, but suspended the execution of the sentence. The court also ordered, *inter alia*, two (2) years' unsupervised probation and five (5) days' shock incarceration. *State v. Monae L. A. Cribbs*, Cole Co. Cir. Ct., Case No. 12AC-CR01453.
8. On December 22, 2016, Special Investigator Andrew Engler, with the Division, sent Cribbs an inquiry letter to her residential and mailing address on her Application by first class mail, postage prepaid. The letter stated that an investigation revealed three misdemeanor convictions for "Theft/Stealing" that Cribbs failed to disclose on her Application. Engler requested an explanation regarding the circumstances of her convictions, why she failed to disclose them on her Application, and certified court records. The letter further stated: "Pursuant to 20 CSR 100-4.100, your response is due within twenty days. Failure to respond could result in a refusal to issue your [motor vehicle extended service contract] license."
 9. The United States Postal Service did not return the December 22, 2016 inquiry letter to the Division, and therefore it is presumed received by Cribbs.
 10. Cribbs failed to provide a written response to the Division's December 22, 2016 inquiry letter and failed to demonstrate a reasonable justification for the delay.
 11. On January 17, 2017, Special Investigator Engler sent Cribbs a second inquiry letter to her residential and mailing address on her Application by first class mail, postage prepaid, requesting the same information and documentation as requested in the December 22, 2016 letter.
 12. The United States Postal Service did not return the January 17, 2017 inquiry letter to the Division, and therefore it is presumed received by Cribbs.
 13. Cribbs failed to provide a written response to the Division's January 17, 2017 inquiry letter and failed to demonstrate a reasonable justification for the delay.

² Cribbs spelled her first name on the Application as Mona'e. Although the apostrophe does not appear in Cribbs' criminal records, such records include her correct middle initials and year of birth.

14. It is inferable, and hereby found as fact, that Cribbs did not disclose her criminal background on her Application in order to materially misrepresent to the Director that she had no criminal history, and accordingly, improve the chances that the Director would approve her Application and issue her a motor vehicle extended service contract ("MVESC") producer license.

CONCLUSIONS OF LAW

15. Section 385.209.1 RSMo (Supp. 2013)³ 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; [or]

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

16. Title 20 CSR 100-4.100(2)(A) Required Response to Inquiries by the Consumer Affairs Division, 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 an MVESC producer license to Cribbs pursuant to § 385.209.1(2) because Cribbs failed to adequately respond, and in fact never responded, to two (2) inquiry letters from the Division and failed to provide reasonable justifications

³ All civil statutory references are to RSMo (2000) as updated by RSMo (Supp. 2013) unless otherwise noted.

for the delay, thereby violating 20 CSR 100-4.100(2)(A), a Department regulation. Each violation of 20 CSR 100-4.100(2)(A), a regulation of the Director, is a separate and sufficient cause to refuse Cribbs's Application.

19. The Director may refuse to issue an MVESC producer license to Cribbs pursuant to § 385.209.1(3) because Cribbs attempted to obtain an MVESC producer license through material misrepresentation or fraud by failing to disclose her three (3) convictions of the Class A Misdemeanor Theft/Stealing (Value Of Property Or Services Is Less than \$500) on her Application in order to misrepresent her criminal history to the Director, and, accordingly, to improve the chances that the Director would approve her Application and issue her an MVESC producer license. *State v. Monae L. A. Cribbs*, Cole Co. Cir. Ct., Case No. 10AC-CR02640; *State v. Monae L. A. Cribbs*, Cole Co. Cir. Ct., Case No. 12AC-CR00620; and *State v. Monae L. A. Cribbs*, Cole Co. Cir. Ct., Case No. 12AC-CR01453.
20. Issuing an MVESC producer license to Cribbs would not be in the public's interest. Cribbs failed to respond to two (2) Division inquiry letters and attempted to obtain a license through material misrepresentation or fraud by failing to disclose her criminal history, specifically, three (3) convictions of the Class A Misdemeanor Theft/Stealing on her Application.
21. The Director has considered Cribbs's history and all of the circumstances surrounding her Application. Issuing a motor vehicle extended service contract producer license to Cribbs would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Cribbs a motor vehicle extended service contract producer license.
22. This Order is in the public interest.

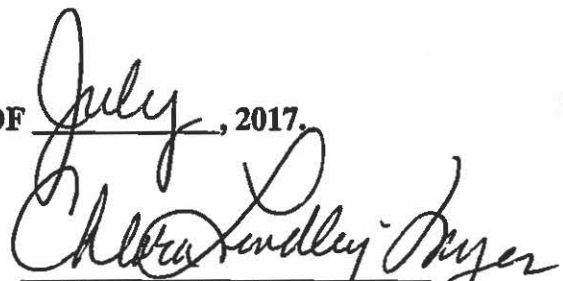
ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **Mona'e Loretia Ann Cribbs** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 11th DAY OF July, 2017.




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.

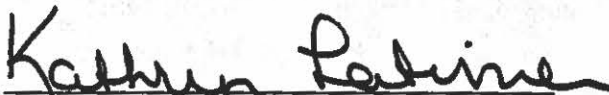
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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of July, 2017, 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 address:

Mona'e Loretia Ann Cribbs
2105 Crystal Dr.
St. Louis, MO 63131

Tracking No. 1Z0R15W84298964549



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