State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
ANTONIO L. BOBO,	)	**Case No. 191544**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On June 28, 2013, 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 Antonio L. Bobo. 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. Antonio L. Bobo ("Bobo") is a Missouri resident with a residential address of record of 3213 O'Fallon Lake Drive, O'Fallon, Missouri 63366.

2. On April 16, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Bobo's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

3. Background Question No. 1 of the Application asks the following, in relevant part:

   Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

4. Bobo marked "Yes" to Question No. 1.

5. Bobo attached to his Application court records showing that he has been convicted of two felonies:

   a. On or about May 13, 2005, Bobo pled guilty in the United States District Court, Eastern District of Missouri, to the federal felony of Conspiracy to

Possess a Controlled Substance with the Intent to Distribute.[1] The court sentenced Bobo to imprisonment for a term of thirty-seven (37) months;

b. On or about May 16, 2005, Bobo pled guilty in the Circuit Court of St. Louis City to the Class A Felony of Trafficking Drugs in the Second Degree.[2] The court sentenced Bobo to imprisonment for a term of twenty-four (24) months, but suspended execution of the sentence.

6. Bobo also attached to his Application a written statement concerning his criminal history in which he did not acknowledge any meaningful culpability in the offenses to which he pled guilty, but stated that he had not had any trouble with the law since his release.

7. On April 26, 2013, in response to a Department investigator's request for more detailed information about his criminal history, Bobo provided a second, more detailed, written explanation. Although in the explanation Bobo essentially acknowledged the factual basis for his convictions, he expressed no appreciable contrition.

CONCLUSIONS OF LAW

8. Section 385.209 RSMo, Supp. 2012, 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:
>
> * * *
>
> (5) Been convicted of any felony[.]

9. 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.

10. Bobo may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of two felonies:

a. *U.S. v. Antonio Bobo*, E. D. Mo., No. 4:04cr581 JCH (Conspiracy to Possess a

[1] A violation of 21 U.S.C. § 841(a)(1). *U.S. v. Antonio Bobo*, E. D. Mo., No. 4:04cr581 JCH.
[2] A violation of § 195.223, RSMo. *State of Missouri v. Antonio Lamar Bobo*, St. Louis City Cir. Ct., No. 22041-01654-01.

Controlled Substance with the Intent to Distribute, a federal felony in violation of § 21 U.S.C. § 841(a)(1)).

b. *State of Missouri v. Antonio Lamar Bobo*, St. Louis City Cir. Ct., No. 22041-01654-01 (Trafficking Drugs in the Second Degree, a Class A Felony in violation of § 195.223, RSMo).

11. The Director has considered Bobo's history and all of the circumstances surrounding Bobo's Application. Granting Bobo a motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a motor vehicle extended service contract producer license to Bobo.

12. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Antonio L. Bobo** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 3RD **DAY OF** JULY**, 2013.**

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 8 day of July, 2013, 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:

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