



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

ANGELA MARIE POULSEN,

Applicant.

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Case No. 140404382C

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On June 10, 2014, 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 Angela Marie Poulsen. 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. Angela Marie Poulsen ("Poulsen") is a Missouri resident with a residential and mailing address of 6133 Welsh Drive, Lake St. Louis, Missouri 63367 and a business address of 5350 College Boulevard, Overland Park, Kansas 66211.
2. On December 10, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Poulsen's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "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. Poulsen accepted the "Attestation" section by signing the Application.
5. Background Question No. 1 of the Application asks the following:

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

“Crime” includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license or juvenile offenses. “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, or having been given probation, a suspended sentence or a fine.

“Had a judgement withheld or deferred” includes circumstances in which a guilty plea was entered and/or a finding of guilt is 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”).

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 judgement[.]

6. Poulsen answered “Yes” in response to Background Question No. 1.
7. Poulsen attached a letter to her Application to further explain her response to Background Question No. 1. In her letter, Poulsen disclosed she was charged with receiving stolen property and is currently on probation for that charge. Poulsen stated that she had “never been in trouble before.” Poulsen also attached a copy of her Order of Probation entered in Case No. 1211-CR03965-01.
8. During its investigation, the Consumer Affairs Division (“Division”) discovered the following information regarding Poulsen’s felony conviction that she disclosed on her Application:
 - a. On April 29, 2013 in the Circuit Court of St. Charles County, Missouri, Poulsen pled guilty to one (1) count of Receiving Stolen Property, a Class C Felony, in violation of § 570.080 RSMo. The court sentenced Poulsen to seven (7) years’ incarceration, but suspended the execution of sentence and placed Poulsen on supervised probation for five (5) years. Poulsen was also ordered to complete random drug testing and pay restitution in the amount of \$8,636.34. *State v. Angela Marie Poulsen*, St. Charles Co. Cir. Ct., Case No. 1211-CR03965-01.
9. During its investigation, the Division discovered the following case that Poulsen failed to disclose on her Application:

a. On December 9, 2010 in the Circuit Court of St. Louis County, Missouri, Poulsen pled guilty to Theft/Stealing, a Class C Felony, in violation of § 570.030 RSMo. The court sentenced Poulsen to five (5) years' incarceration, but suspended the imposition of sentence and placed Poulsen on supervised probation for five (5) years. The court also ordered Poulsen to complete 80 hours of community service and pay restitution in the amount of \$1,020.00. On May 30, 2013, Poulsen admitted to violating her probation. The court entered an order continuing Poulsen's probation. Poulsen's probation is scheduled to terminate on December 8, 2015. *State v. Angela M. Poulsen*, St. Louis Co. Cir. Ct., Case No. 10SL-CR01737-01.

10. After reviewing Poulsen's Application and her criminal record, Special Investigator Andrew Engler ("Special Investigator Engler") sent an inquiry letter to Poulsen dated December 24, 2013. Said letter requested additional documentation and information about Poulsen's criminal background. The letter further requested a response by January 13, 2014, and warned Poulsen that a failure to respond could result in the Department refusing to issue her a motor vehicle extended service contract ("MVESC") license.
11. The United States Postal Service did not return the December 24, 2013 inquiry letter to the Division, and therefore it is presumed delivered.
12. Poulsen failed to provide a written response to the Division's December 24, 2013 inquiry letter by January 13, 2014, and failed to demonstrate a reasonable justification for the delay.

CONCLUSIONS OF LAW

13. Section 385.209 RSMo. (Supp. 2013) 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:

* * *

(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;

* * *

(5) Been convicted of any felony[.]

14. 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.

15. "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).
16. 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 MVESC producer license, but to protect the public.
17. The Director may refuse to issue a MVESC producer license to Poulsen under § 385.209.1(2) because Poulsen failed to adequately respond to an inquiry letter from the Division and failed to provide a reasonable justification for the delay, thereby violating 20 CSR 100-4.100(2)(A), a department regulation.
18. The Director may refuse to issue a MVESC producer license to Poulsen under § 385.209.1(3) because Poulsen attempted to obtain a MVESC producer license through material misrepresentation or fraud by failing to disclose her guilty plea and suspended imposition of sentence for Theft/Stealing in her Application in order to misrepresent her criminal history to the Director, and, accordingly, in order to improve the chances that the Director would approve her Application and issue her a MVESC producer license.
19. The Director may refuse to issue a MVESC producer license to Poulsen under § 385.209.1(5) because Poulsen has been convicted of a felony:
 - a. *State v. Angela Marie Poulsen*, St. Charles Co. Cir. Ct., Case No. 1211-CR03965-01 (Receiving Stolen Property, a Class C Felony, in violation of § 570.080).
20. Issuing a MVESC producer license to Poulsen would not be in the public's interest. In addition to her failure to respond to a Division inquiry letter and misrepresenting her criminal history on her Application, Poulsen was convicted of a felony just over one year ago and is still on supervised probation in Case Nos. 10SL-CR01737-01 and 1211-CR03965-01.

- 21. The Director has considered Poulsen's history and all of the circumstances surrounding Poulsen's Application. Granting Poulsen a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a MVESC producer license to Poulsen.
- 22. This order is in the public interest.

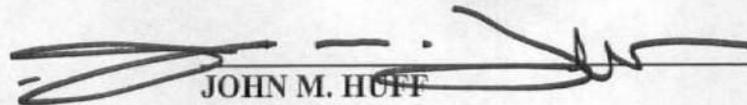
ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Angela Marie Poulsen** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 10TH DAY OF JUNE, 2014.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

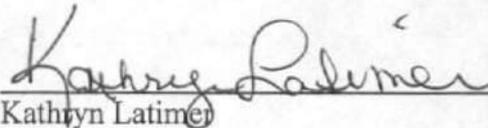
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 11th day of June, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following addresses:

Angela Marie Poulsen
6133 Welsh Drive
Lake St. Louis, Missouri 63367

Tracking No. 1Z0R15W84293350309



Kathryn Latimer

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