State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
John W. Buckley,	)	**Case No. 120305267C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On May 1, 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 John W. Buckley. After reviewing the Petition, the Investigative Memo, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. John W. Buckley, ("Buckley") is a Missouri resident with a residential address of 4646 Onondaga Trail, St. Charles, Missouri 63304.

2. On or about September 21, 2001, Buckley pleaded guilty to a C Felony of Possession of a Controlled Substance, in violation of § 195.202 RSMo. On or about September 21, 2001, the court sentenced Buckley to the custody of the Missouri Department of Corrections for a period of four years, with 120 days shock incarceration pursuant to § 559.115, followed by probation beginning on or about April 3, 2002. On or about February 3, 2005, the court revoked Buckley's probation and reinstated his four-year sentence. *State v. John W. Buckley, II*, St. Charles Co. Cir. Ct., Case No. 01CR126757-01.

3. On or about July 20, 2006, Buckley knowingly sold ecstacy, a controlled substance, knowing that it was a controlled substance, in violation of §§ 195.211, 562.036, and 562.041. On March 22, 2007, Buckley was charged with the B Felony of Sale of a Controlled Substance. On or about August 3, 2007, the court found Buckley guilty and sentenced Buckley to the custody of the Missouri Department of Corrections for a period of 14 years. Buckley was incarcerated for four years. On June 25, 2010, the court placed Buckley on parole, which he is actively serving and scheduled to complete in July 2020. *State v. John William Buckley*, St. Charles Co. Cir. Ct., Case No. 0611-CR05010-01.

4. On December 29, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Buckley's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

CONCLUSIONS OF LAW

5. Section 385.209 RSMo Supp. 2011, 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[.]

6. 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.

7. Buckley may be refused a MVESC producer license pursuant to § 385.209.1(5) because he has been convicted of two felonies:

   a. *State v. John W. Buckley, II*, St. Charles Co. Cir. Ct., Case No. 01CR126757-01 (Possession of a Controlled Substance, a Class C Felony, in violation of § 195.202); and

   b. *State v. John William Buckley*, St. Charles Co. Cir. Ct., Case No. 0611-CR05010-01 (Sale of a Controlled Substance, a Class B Felony, in violation of §§ 195.211, 562.036, and 562.041.

8. Buckley has been convicted of two felonies. Granting Buckley a MVESC producer license would not be in the interest of the public. The Director has considered Buckley's history and all of the circumstances surrounding Buckley's Application and exercises his discretion to refuse Buckley's MVESC producer license.

9. This Order in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service producer license application of **John W. Buckley** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 1ST DAY OF MAY, 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 2nd day of May, 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 addresses:

John W. Buckley
4646 Onondaga Trail
St. Charles, Missouri 63304

Certified No. 7009 3410 0001 9349 2822

Kathryn Randolph
Paralegal
Missouri Department of Insurance, Financial Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: kathryn.randolph@insurance.mo.gov