



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

Darrin M. Bumpus,

Applicant.

Case No. 12-0509392C

Serve at:

5154 Waterman Blvd.
St. Louis, Missouri 63108

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

On September 24, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue Darrin M. Bumpus a motor vehicle extended service contract producer license. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order.

FACTUAL BACKGROUND

1. Darrin M. Bumpus ("Bumpus") is a Missouri resident with a residential address of 5154 Waterman Blvd., St. Louis, Missouri 63108.
2. On or about January 19, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Bumpus's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Background Question No. 1 of the Application asks:

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 and 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 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”).

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.

4. Bumpus marked “No” to Question No. 1, and in the margin of the Application wrote that he had received a ticket in 2005 in Chesterfield for not paying for a beverage. He also wrote “I was fine \$122.00 - Misdemeanor” (sic) at the bottom of the Application page.
5. Upon a request for more information by the Department, Bumpus submitted a written statement dated January 10, 2012, indicating that he did not have anything in his background that would prevent him from obtaining his motor vehicle extended service contract producer license.
6. On or about February 23, 2001, Bumpus pleaded guilty to Shoplifting in violation of § 13-1805, Arizona Revised Statutes. *State of Arizona v. Darren Michael Bumpus*, Tucson Muni. Ct., Case No. M-1041-CR-56730. Bumpus failed to disclose this guilty plea on his Application.
7. On or about February 23, 2001, Bumpus pleaded guilty to Assault in violation of § 13-1203, Arizona Revised Statutes. *State of Arizona v. Darrin Michael Bumpus*, Tucson Muni. Ct., Case No. M-1041-CR-56733. Bumpus failed to disclose this guilty plea on his Application.
8. On or about February 23, 2001, Bumpus pleaded guilty to Assault and Shoplifting in violation of §§ 13-1203 and 13-1805, Arizona Revised Statutes. *State of Arizona v. Darrin Michael Bumpus*, Tucson Muni. Ct., Case No. M-1041-CR-92256. Bumpus failed to disclose these guilty pleas on his Application.
9. On or about February 23, 2001, Bumpus pleaded guilty to Shoplifting in violation of § 13-1805, Arizona Revised Statutes. *State of Arizona v. Darrin Michael Bumpus*, Tucson Muni. Ct., Case No. M-1041-CR-95011. Bumpus failed to disclose this guilty plea on his Application.
10. On or about October 14, 2003, Bumpus pleaded guilty to the Class A Misdemeanor of Retail Theft, in violation of 720 ILCS 5/16(A)3(a) (1992). The court sentenced Bumpus

to 2 weekends in the county jail, placed him on 18 months' probation, and fined him \$2,000, with costs, to be paid over the course of his 18 months of probation. *State of Illinois v. Darrin Bumpus*, St. Clair Co. Cir. Ct., Case Nos. 02CF041201 and 02CM0009567. Bumpus failed to disclose this guilty plea on his Application.

- a. On October 15, 2004, the State of Illinois petitioned to revoke Bumpus' probation for failing to appear for scheduled office visits, failing to report a change of address, and committing the offense of Retail Theft in Case No. 04CF01381. On October 29, 2004, due to plea negotiations in Case No. 04CF01381, the court dismissed the State's Petition to Revoke Probation, terminated Bumpus' probation, and waived his fines and fees. *Id.*
11. On or about October 28, 2004, Bumpus pleaded guilty to the Class 4 Felony of Retail Theft-Subsequent, in violation of 720 ILCS 5/16(A)3(a) (1992). The court placed Bumpus on 12 months of probation. *State of Illinois v. Darrin M. Bumpus*, St. Clair Co. Cir. Ct., Case No. 04CF1381.
- a. On or about August 26, 2005, the State of Illinois petitioned to revoke Bumpus' probation for failing to pay the balance of monies owed. On or about September 16, 2005, Bumpus' admitted to the count contained in the Petition, and the court extended Bumpus' probation for a period of 12 months and ordered him to pay \$50.00 per month towards his arrearage. *Id.*
 - b. On or about September 8, 2006, the State of Illinois petitioned to revoke Bumpus' probation again for failing to make any payments on the balance of monies owed. On or about September 29, 2006, Bumpus admitted to the count contained in the Petition, and the court extended Bumpus' probation for a period of 12 months and ordered him to pay \$50.00 per month towards his arrearage. *Id.*
 - c. On or about November 8, 2006, the State of Illinois petitioned to revoke Bumpus' probation again for committing the offense of Retail Theft in Case No. 06CM0008257 and failing to make monthly payments on the balance of monies owed. On or about February 2, 2007, Bumpus admitted to the counts contained in the Petition, and the court ordered that probation continue as previously ordered. *Id.*
 - d. On or about September 28, 2007, the State of Illinois petitioned to revoke Bumpus' probation again for failing to report to the probation department, failing to make payment towards the balance of monies owed, and committing the offense of No Ticket in Case No. 07OV0003997. On or about February 29, 2008, Bumpus admitted to the counts contained in the Petition, and the court sentenced Bumpus to serve 10 days and 17 weekends in county jail, extended his probation for a period of 12 months, and ordered him to pay \$50.00 per month towards his arrearage. *Id.*
 - e. On or about April 23, 2008, the State of Illinois petitioned to revoke Bumpus' probation again for being convicted of the offense of Stealing from a Person in Case

No. 2105CR-03712-01, failing to report the arrest to his probation officer, and failing to serve the 17 weekends in county jail he was previously ordered to serve. On or about May 9, 2008, Bumpus admitted to the counts contained in the Petition, and the court sentenced him to 24 days in county jail and extended his probation for a period of 6 months. *Id.*

f. Bumpus failed to disclose this guilty plea on his Application.

12. On March 13, 2005, Bumpus was charged with Robbery – 2nd Degree, a Class B Felony, in violation of §569.030, RSMo. On February 16, 2006, Bumpus pleaded guilty to the amended charge of Stealing From A Person, a Class C Felony, in violation of § 570.030, RSMo (Supp. 2004). The court suspended the imposition of Bumpus' sentence and placed him on 3 years' unsupervised probation. On February 16, 2009, Bumpus successfully completed his probation. *State of Missouri v. Darrin M. Bumpus*, St. Louis Co. Cir. Ct., Case No. 2105CR-03712-01. Bumpus failed to disclose this felony guilty plea on his Application.
13. On or about December 21, 2006, Bumpus pleaded guilty to the Class C Misdemeanor of Disorderly Conduct, in violation of 720 ILCS 5/26-1(a)(1). The court placed Bumpus under its supervision for 90 days and ordered him to pay a \$150 fine. *State of Illinois v. Darrin M. Bumpus*, St. Clair Co. Cir. Ct., Case No. 06CM0008257. Bumpus failed to disclose this guilty plea on his Application.

CONCLUSIONS OF LAW

14. 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:

* * *

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

15. 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 ("MVESC") producer license, but to protect the public.

16. Bumpus may be refused a MVESC producer license pursuant to § 385.209.1(3) because he attempted to obtain a license through material misrepresentation or fraud.
- a. On or about February 23, 2001, Bumpus pleaded guilty to Shoplifting in violation of § 13-1805, Arizona Revised Statutes. *State of Arizona v. Darren Michael Bumpus*, Tucson Muni. Ct., Case No. M-1041-CR-56730. Bumpus failed to disclose this guilty plea on his Application.
 - b. On or about February 23, 2001, Bumpus pleaded guilty to Assault in violation of § 13-1203, Arizona Revised Statutes. *State of Arizona v. Darrin Michael Bumpus*, Tucson Muni. Ct., Case No. M-1041-CR-56733. Bumpus failed to disclose this guilty plea on his Application.
 - c. On or about February 23, 2001, Bumpus pleaded guilty to Assault and Shoplifting in violation of §§ 13-1203 and 13-1805, Arizona Revised Statutes. *State of Arizona v. Darrin Michael Bumpus*, Tucson Muni. Ct., Case No. M-1041-CR-92256. Bumpus failed to disclose these guilty pleas on his Application.
 - d. On or about February 23, 2001, Bumpus pleaded guilty to Shoplifting in violation of § 13-1805, Arizona Revised Statutes. *State of Arizona v. Darrin Michael Bumpus*, Tucson Muni. Ct., Case No. M-1041-CR-95011. Bumpus failed to disclose this guilty plea on his Application.
 - e. On or about October 14, 2003, Bumpus pleaded guilty to the Class A Misdemeanor of Retail Theft, in violation of 720 ILCS 5/16(A)3(a) (1992). The court fined Bumpus a total of \$2,000, with costs, to be paid over the course of his 18 months of probation. *State of Illinois v. Darrin Bumpus*, St. Clair Co. Cir. Ct., Case Nos. 02CF041201 and 02CM0009567. Bumpus failed to disclose this guilty plea on his Application.
 - f. On or about October 28, 2004, Bumpus pleaded guilty to the Class 4 Felony of Retail Theft-Subsequent, in violation of 720 ILCS 5/16(A)3(a) (1992). The court placed Bumpus on 12 months of probation, but ultimately revoked his probation and sentenced him to 10 days and 17 weekends in St. Clair County Jail. *State of Illinois v. Darrin Bumpus*, St. Clair Co. Cir. Ct., Case No. 04CF1381. Bumpus failed to disclose this conviction on his Application.
 - g. On March 13, 2005, Bumpus was charged with Robbery – 2nd Degree, a Class B Felony, in violation of §569.030, RSMo. On February 16, 2006, Bumpus pleaded guilty to the amended charge of Stealing From A Person, a Class C Felony, in violation of § 570.030, RSMo (Supp. 2004). The court suspended the imposition of Bumpus' sentence and placed him on 3 years' unsupervised probation. On February 16, 2009, Bumpus successfully completed his probation. *State of Missouri v. Darrin M. Bumpus*, St. Louis Co. Cir. Ct., Case No. 2105CR-03712-01. Bumpus failed to disclose this felony guilty plea on his Application.

- h. On or about December 21, 2006, Bumpus pleaded guilty to the Class C Misdemeanor of Disorderly Conduct, in violation of 720 ILCS 5/26-1(a)(1). The court placed Bumpus under its supervision for 90 days and ordered him to pay a \$150 fine. *State of Illinois v. Darrin M. Bumpus*, St. Clair Co. Cir. Ct., Case No. 06CM0008257. Bumpus failed to disclose this guilty plea on his Application.
 - i. By failing to disclose his criminal history, and further stating that he did not have anything in his background that would prevent him from obtaining his MVESC producer license in response to a Department request for more information, Bumpus misrepresented his criminal background in his attempt to obtain a license.
17. Granting Bumpus a MVESC producer license would not be in the interest of the public. The Director has considered Bumpus' history and all of the circumstances surrounding Bumpus' Application and for the reasons stated in this Order refuses Bumpus' motor vehicle extended service contract producer license.
18. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license of **Darrin M. Bumpus** is hereby **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 26th DAY OF SEPTEMBER, 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, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to § 621.120, RSMo. Under 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 26th day of September, 2012, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by certified mail No. 7009 3410 0001 9255 5696.

Darrin M. Bumpus
5154 Waterman Blvd.
St. Louis, Missouri 63108

A handwritten signature in cursive script, appearing to read "Kathryn Randolph", written over a horizontal line.