



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

CANDICE P. KING,

Applicant.

)
)
)
)
)

Case No. 184187

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

On April 19, 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 Candice P. King. 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. Candice P. King, ("King") is a Missouri resident with a residential address of record of 316 Chalmers Street, St. Peters, Missouri, 63376.
2. On December 24, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received King's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. 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[.]

4. King marked “Yes” to Question No. 1.
5. With her Application, King included certified copies of court documents related to her 1999 conviction of the Class C Felony of Involuntary Manslaughter under § 565.024, RSMo, in the Circuit Court of St. Charles County: an Information, a Sentence and Judgment, and Order of Probation, an Order placing King in an institutional treatment center in contemplation of granting probation, an Order releasing King from custody and placing her on probation, and a Judgment and Order on Probation Violation. *State of Missouri v. Candice P. King*, St. Charles Co. Cir. Ct., No. 11R019902087-01.
6. King also included a written explanation of the circumstances of her conviction, which stated in part:

In 1999, I was out with a girlfriend we had a few beers, we left the house we were at around 4 am because she was having a allergic reaction to the cat that was there. On our way home we were involved in a car accident. The driver of the other car lost there life that night. I was arrested and charged with the charge that is on all my documents provided. I did 90 days in county jail came home on probation my probation was revoked because I had alcohol in my home. I was living at the time with a loser boyfriend. Somehow the police were called showed up at my door and I was arrested.

I was then sentenced to 4 months in prison.

Came home on probation met a new boyfriend and was out to dinner one night I ordered a glass of wine minutes later a police officer showed up explained that I was not to be drinking at all. I was not arrested however my probation was revoked. I was sentenced to 2 years.

No excuses I screwed up! Being 19 years old going through this was hard all around emotionally, legally as well as socially people judging you friends not understanding Etc.....

During the 2 years I served I did alot of searching inside. I've completed all my parol successfully and have never been in trouble since.

7. Upon request of a Department investigator, King provided certified documents related to her conviction under § 311.325, RSMo, for the unclassified misdemeanor of Possession

of an Intoxicating Liquor by a Minor: the Information the Waiver of Rights and Plea of Guilty, and the Judgment and Sentence in *State of Missouri v. Candice Patricia King*, 01CR124677-01, St. Charles Co. Cir. Ct., No. 01CR124677-01. As a result of this conviction, the court revoked her probation in *State of Missouri v. Candice P. King*, St. Charles Co. Cir. Ct., No. 11R019902087-01.

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. King may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because she was convicted of the Class C Felony of Involuntary Manslaughter. *State of Missouri v. Candice P. King*, St. Charles Co. Cir. Ct., No. 11R019902087-01.
11. The Director has considered King's history and all of the circumstances surrounding King's Application. Granting King 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 King.
12. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the individual motor vehicle extended service contract producer license application of **Candice P. King** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 24th DAY OF APRIL, 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 26 day of April, 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:

Candice P. King
316 Chalmers Street
St. Peters, Missouri 63376

Certified No. 70093410 00019254 2542



Hailey Boessen
Senior Office Support Assistant
Agent Investigation Section
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2640
Facsimile: 573.526.4898
Email: hailey.boessen@insurance.mo.gov