



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

COREY MICHAEL GEIGER,

Applicant.

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Case No. 140625529C

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On July 23, 2014, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract ("MVESC") producer license to Corey Michael Geiger. 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:

FINDINGS OF FACT

1. Corey Michael Geiger ("Geiger") is a Missouri resident with a residential address of record of 5 Green Briar Hills Ct., O'Fallon, MO 63366.
2. On February 21, 2014, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Geiger's completed Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "Applicant's Certification and 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. Geiger signed the Application in the "Applicant's Certification and Attestation" section.
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 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 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. Geiger marked “Yes” to Background Question No. 1 and provided two (2) written statements and court documents for the following convictions:

- a. On August 12, 2010, Geiger pled guilty to Possession of a Controlled Substance Except 35 Grams or Less of Marijuana, a Class C Felony, in violation of § 195.202. The court entered a suspended imposition of sentence and placed Geiger on five (5) years’ probation. On June 9, 2011, the court revoked Geiger’s probation and sentenced him to seven (7) years’ incarceration. The court then suspended the execution of sentence and placed Geiger on five (5) years’ supervised probation. On January 19, 2012, the court revoked Geiger’s probation a second time and sentenced him to seven (7) years’ incarceration. *State v. Corey Michael Geiger*, St. Charles Co. Cir. Ct., Case No. 1011-CR00642-01.
- b. On August 29, 2012, Geiger pled guilty to Possession of a Controlled Substance Except 35 Grams or Less of Marijuana, a Class C Felony, in violation of § 195.202. The court sentenced Geiger to five (5) years’ incarceration, to be served concurrent with the sentence entered in case number 1011-CR00642. *State v. Corey Michael Geiger*, St. Louis City Cir. Ct., Case No. 1222-CR01280-01.

7. During its investigation, the Consumer Affairs Division (“Division”) discovered the following convictions that Geiger failed to disclose in response to Background Question No. 1 on his Application:

- a. On May 26, 2011, Geiger pled guilty to Unlawful Use of Drug Paraphernalia, a Class A Misdemeanor, in violation of § 195.233. The court sentenced Geiger to six (6) months' incarceration, but suspended the execution of sentence and placed Geiger on probation for one (1) year. *State v. Corey M. Geiger*, St. Louis City Cir. Ct., Case No. 1022-CR06128.
- b. On August 29, 2011, Geiger pled guilty to Unlawful Use of Drug Paraphernalia, a Class A Misdemeanor, in violation of § 195.233. The court fined Geiger \$300.00. *State v. Corey Michael Geiger*, St. Charles Co. Cir. Ct., Case No. 1111-CR02793.

CONCLUSIONS OF LAW

8. Section 385.209 RSMo (Supp. 2013)¹ 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;

* * *

(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. The Director may refuse to issue a MVESC producer license to Geiger pursuant to § 385.209.1(3) because Geiger attempted to obtain a MVESC producer license through material misrepresentation or fraud when he failed to disclose the following convictions on his Application:
 - a. *State v. Corey M. Geiger*, St. Louis City Cir. Ct., Case No. 1022-CR06128 (Unlawful Use of Drug Paraphernalia, a Class A Misdemeanor, in violation of § 195.233).

¹ All statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

- b. *State v. Corey Michael Geiger*, St. Charles Co. Cir. Ct., Case No. 1111-CR02793 (Unlawful Use of Drug Paraphernalia, a Class A Misdemeanor, in violation of § 195.233).
11. The Director may refuse to issue a MVESC producer license to Geiger pursuant to § 385.209.1(5) because he has been convicted of two felonies:
- a. *State v. Corey Michael Geiger*, St. Charles Co. Cir. Ct., Case No. 1011-CR00642-01 (Possession of a Controlled Substance Except 35 Grams or Less of Marijuana, a Class C Felony, in violation of § 195.202).
- b. *State v. Corey Michael Geiger*, St. Louis City Cir. Ct., Case No. 1222-CR01280-01 (Possession of a Controlled Substance Except 35 Grams or Less of Marijuana, a Class C, Felony in violation of § 195.202).
12. The Director has considered Geiger's history and all of the circumstances surrounding Geiger's Application. Granting Geiger 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 Geiger.
13. This Order refusing to issue a MVESC producer license to Geiger is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Corey Michael Geiger** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 25th DAY OF JULY, 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 28th day of July, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required mail at the following addresses:

Corey Michael Geiger
5 Green Briar Hills Ct.
O'Fallon, Missouri, 63366

Tracking No. 1Z0R15W84294013074



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