



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

CHRISTOPHER A. SULLIVAN,

Applicant.

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Case No. 182518

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On June 12, 2013, 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 Christopher A. Sullivan. 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. Christopher A. Sullivan ("Sullivan") is a Missouri resident with a residential address of record of 1475 Estes Drive, St. Louis, Missouri 63031.
2. On November 13, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Sullivan's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Sullivan signed the Application under oath before a notary, thereby attesting that all of the information submitted in the Application and its attachments was "true and complete" and acknowledging that omitting pertinent or material information in connection with the Application was grounds for refusal of the Application and could subject Sullivan to civil or criminal penalties.
4. 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 judgment[.]

5. Sullivan marked "Yes" to Question No. 1. With his Application, Sullivan included a copy of a report from the Missouri Highway Patrol's Criminal Records Repository showing that:
 - a. In 1993 Sullivan was convicted in the St. Louis County Circuit Court of the Class B Felony of Robbery in the Second Degree;¹
 - b. In 2007 Sullivan was convicted in the St. Charles County Circuit Court of the Class A Misdemeanor of Assault in the 3rd Degree;² and
 - c. In 2010 Sullivan was convicted in the St. Charles County Circuit Court of the Class B Misdemeanor of Peace Disturbance.³
6. Sullivan also included a brief written explanation for each of the convictions disclosed.
7. Sullivan did not disclose any further criminal history in his Application.
8. The Department's investigation of Sullivan's Application revealed that in 1993 Sullivan also had been convicted in the St. Louis County Circuit Court of the Class A Misdemeanor of Receiving Stolen Property.⁴

¹ A violation of § 569.030, RSMo. *State of Missouri v. Christopher A. Sullivan*, St. Louis Co. Cir. Ct., No. 2193R-04206-01.

² A violation of § 565.070, RSMo. *State of Missouri v. Christopher Alan Sullivan*, St. Charles Co. Cir. Ct., No. 0611-CR01727-01.

³ A violation of § 574.010, RSMo. *State of Missouri v. Christopher Alan Sullivan*, St. Charles Co. Cir. Ct., No. 0911-CR04568.

⁴ A violation of § 570.080, RSMo. *State of Missouri v. Christopher A. Sullivan*, St. Louis Co. Cir. Ct., No. 2192R-01124.

9. On April 3, 2013, the Director issued a Subpoena ordering Sullivan to appear and testify before the Director's designee on May 2, 2013 concerning the information provided on his Application.
10. On May 2, 2013, Sullivan appeared at the Department's offices and began testifying in response to questions by the Director's designee, but then refused to answer a question and eventually declined to continue the conference.

CONCLUSIONS OF LAW

11. 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:

* * *

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

* * *

(5) Been convicted of any felony[.]

12. 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.

CAUSE FOR ORDER TO REFUSE TO ISSUE A MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

13. Sullivan may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of a felony:
 - a. *State of Missouri v. Christopher A. Sullivan*, St. Louis Co. Cir. Ct., No. 2193R-04206-01 (Robbery in the Second Degree, a Class B Felony in violation of § 569.030, RSMo).
14. Sullivan also may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(3) because, in an attempt to obtain a license through his

Application, he misrepresented the extent and nature of his criminal history, in that he failed to disclose that he had been convicted of the Class A Misdemeanor of Receiving Stolen Property, which information was material to the Director's licensure decision.

15. The Director has considered Sullivan's history and all of the circumstances surrounding Sullivan's Application. Granting Sullivan 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 Sullivan.
16. An order refusing to issue a motor vehicle extended service contract producer license to Sullivan is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Christopher A. Sullivan** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 13th DAY OF JUNE, 2013.



A handwritten signature in blue ink, appearing to read "John M. Huff", written over a horizontal line.

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 14 day of June, 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:

Christopher A. Sullivan
1475 Estes Drive
St. Louis, Missouri 63031

Certified No. 7009 3410 0001 9255 0844



Hailey Boessen
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