State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
Douglas J. Courtois,	)	**Case No. 120410370C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On April 17, 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 Douglas J. Courtois. 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. Douglas J. Courtois, ("Courtois") is a Missouri resident with a residential address of 11915 Green Cove, Maryland Heights, Missouri 63043.

2. On November 22, 2005, Courtois pled guilty to the Class C Felony of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana, in violation of § 195.202 RSMo 1994. The court sentenced Courtois to three years' incarceration with the Missouri Department of Corrections, suspended the execution of that sentence, and placed Courtois on three years' supervised probation. *State v. Douglas J. Courtois*, St. Louis Co. Cir. Ct., Case No. 2105R-01438-01.

3. On February 2, 2007, Courtois pled guilty to two counts of felony Possession with Intent to Distribute Methamphetamine, in violation of 21 U.S.C. § 841(a)(1). The court sentenced Courtois to 51 months' incarceration. *U.S. v. Douglas James Courtois*, E.D.Mo., Case No. 4:06CR391CEJ.

4. On December 7, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Courtois' Application for Motor Vehicle Extended Service Contract Producer License ("Application").

5. On February 2, 2012, the Director of the Department issued a subpoena duces tecum requiring that Courtois provide documents to the Department on or before February 27, 2012. The Director served the subpoena upon Courtois by certified mail, and Courtois signed the PS Form 3811 ("Green Card") on February 3, 2012, indicating he received the

subpoena duces tecum. Courtois violated the subpoena duces tecum when he failed to provide the required documents on or before February 27, 2012.

CONCLUSIONS OF LAW

6. 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:
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> * * *
>
> (2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director;
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> * * *
>
> (5) Been convicted of any felony[.]

7. 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.

8. Courtois may be refused a motor vehicle extended service contract ("MVESC") producer license pursuant to § 385.209.1(2) because he violated a subpoena issued by the Director.

9. Courtois may be refused a MVESC producer license pursuant to § 385.209.1(5) because he has been convicted of three felonies:

    a. *State v. Douglas J. Courtois*, St. Louis Co. Cir. Ct., Case No. 2105R-01438-01 (Class C Felony of Possession of a Controlled Substance Except 35 Grams or Les of Marijuana, in violation of § 195.202 RSMo 1994); and

    b. *U.S. v. Douglas James Courtois*, E.D.Mo., Case No. 4:06CR391CEJ (two counts of felony Possession with Intent to Distribute Methamphetamine, in violation of 21 U.S.C. § 841(a)(1)).

10. Courtois has been convicted of two felonies and violated a subpoena issued by the Director. Granting Courtois a MVESC producer license would not be in the interest of the public.

11. The Director has considered Courtois' history and all of the circumstances surrounding Courtois' Application and exercises his discretion to refuse Courtois' MVESC producer license.

12. The requested order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service producer license application of **Douglas J. Courtois** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 18th DAY OF APRIL, 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 § 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 19th day of April, 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:

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