



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

DANIEL SCOTT FORD,

Applicant.

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Case No. 140206172C

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

On February 28, 2014, 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 Daniel Scott Ford. 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. Daniel Scott Ford ("Ford") is a Missouri resident with a residential address of record of 25700 Cedar Oak Drive, Warrenton, Missouri 63383.
2. On December 31, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Ford's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "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. Ford accepted the "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 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[.]

6. Ford answered “Yes” in response to Background Question No. 1.
7. Ford submitted an attachment to further explain his response to Background Question No. 1. His attachment included: two (2) letters and court records for Case Nos. 04CR130725-01, 04CR128859, 0511-CR02521, and 0511-CR02497.
8. In Ford’s letter, he disclosed he had pled guilty of violation of a protection order in 2004, resisting arrest in 2004, aggravated stalking in 2004, possession of marijuana in 2005, and drug paraphernalia in 2005. Ford further explained that the charges stemmed from his divorce.
9. During its investigation, the Consumer Affairs Division (“Division”) discovered the following criminal convictions:
 - a. On or about March 16, 2005 in the Circuit Court of St. Charles County, Missouri, Ford pled guilty to Resisting/Interfering with Arrest, Detention or Stop, a Class A Misdemeanor, in violation of § 575.150, and to 3rd Degree Assault on a Law Enforcement Officer, a Class A Misdemeanor, in violation of § 565.083. The court sentenced Ford to one (1) year incarceration, but suspended the execution of sentence and placed Ford on supervised probation for one (1) year and ordered that he participate in Batterers Intervention and random drug testing. On or about May 25, 2005, Ford’s probation was revoked and the court executed Ford’s sentence of one (1) year incarceration. *State v. Daniel Ford*, St. Charles Co. Cir. Ct., Case No. 04CR128859.

- b. On or about May 25, 2005 in the Circuit Court of St. Charles County, Missouri, Ford pled guilty to Violation of an Order of Protection for an Adult, a Class A Misdemeanor, in violation of § 455.085. The court sentenced Ford to one (1) year incarceration. *State v. Daniel Scott Ford*, St. Charles Co. Cir. Ct., Case No. 0511-CR02497.
- c. On or about May 25, 2005 in the Circuit Court of St. Charles County, Missouri, Ford pled guilty to Possession of Up to 35 Grams of Marijuana, a Class A Misdemeanor, in violation of § 195.202, and to Unlawful Use of Drug Paraphernalia, a Class A Misdemeanor, in violation of § 195.233. The court sentenced Ford to one (1) year incarceration. *State v. Daniel S. Ford*, St. Charles Co. Cir. Ct., Case No. 0511-CR02521.
- d. On or about June 3, 2005 in the Circuit Court of St. Charles County, Missouri, Ford pled guilty to Aggravated Stalking, a Class D Felony, in violation of § 565.225. The court sentenced Ford to two (2) years' incarceration.¹ *State v. Daniel S. Ford*, St. Charles Co. Cir. Ct., Case No. 04CR130725-01.

10. Background Question No. 4 of the Application asks the following:

Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?

11. Ford answered "No" in response to Background Question No. 4.

12. During its investigation, the Division discovered the following outstanding tax liens that Ford failed to disclose on his Application:

- a. On or about April 11, 2011, the St. Charles County Circuit Court entered a judgment against Ford for unpaid taxes for the 2006 and 2007 filing years as follows:

[Department of Revenue], under Section 143.902 RSMo., hereby certifies that the following assessment of tax, interest, additions to tax, penalties, and fees have been made and become final [in the amount of \$2,738.45]. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

Department of Revenue v. Daniel S. Ford, St. Charles Co. Cir. Ct., Case No. 1111-MC01984.

- b. On or about September 13, 2011, the St. Charles County Circuit Court entered a judgment against Ford and his ex-wife Shannon L. Ford for unpaid taxes for the 2009 filing year as follows:

¹ This sentence was served concurrent with Case Nos. 04CR128859, 0511-CR02497, and 0511-CR02521.

[Department of Revenue], under Section 143.902 RSMo., hereby certifies that the following assessment of tax, interest, additions to tax, penalties, and fees have been made and become final [in the amount of \$3,914.58]. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

Department of Revenue v. Daniel S. Ford et. al, St. Charles Co. Cir. Ct., Case No. 1111-MC05315.

CONCLUSIONS OF LAW

13. Section 385.209 RSMo. (Supp. 2013) 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;

* * *

(13) Failed to comply with any administrative or court order directing payment of state or federal income tax[.]

14. 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.

15. The Director may refuse to issue a MVESC producer license to Ford under § 385.209.1(3) because Ford attempted to obtain a MVESC producer license through material misrepresentation or fraud. Ford falsely answered "No" to Question No. 4 and failed to disclose his two (2) tax liens in his Application in order to misrepresent to the Director that he had no delinquent tax obligations, and, accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.

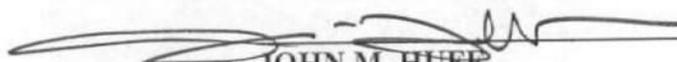
16. Each of Ford's failures to disclose material information on his Application is a separate and sufficient cause for refusal pursuant to § 385.209.1(3).
17. The Director may refuse to issue a MVESC producer license to Ford under § 385.209.1(5) because Ford has been convicted of a felony:
 - a. *State v. Daniel S. Ford*, St. Charles Co. Cir. Ct., Case No. 04CR130725-01 (Aggravated Stalking, a Class D Felony, in violation of § 565.225).
18. The Director may refuse to issue a MVESC producer license to Ford under § 385.209.1(13) because Ford has failed to comply with an administrative or court order directing payment of state income taxes:
 - a. *Department of Revenue v. Daniel S. Ford*, St. Charles Co. Cir. Ct., Case No. 1111-MC01984 (Certified Tax Lien in the amount of \$2,738.45 for unpaid taxes for the 2006 and 2007 filing years).
 - b. *Department of Revenue v. Daniel S. Ford et. al*, St. Charles Co. Cir. Ct., Case No. 1111-MC05315 (Certified Tax Lien in the amount of \$3,914.58 for unpaid taxes for the 2009 filing year).
19. The Director has considered Ford's history and all of the circumstances surrounding Ford's Application. Granting Ford 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 Ford.
20. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Daniel Scott Ford** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 3RD DAY OF MARCH, 2014.


JOHN M. HUFF
DIRECTOR



NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

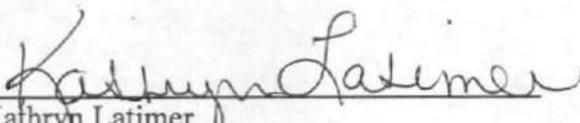
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 3rd day of March, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following addresses:

Daniel Scott Ford
25700 Cedar Oak Drive
Warrenton, Missouri 63383

No. 1Z0R15W8A899811818


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