State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
Kevin N. Greenwood,	)	**Case No. 12-0411374C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On October 29, 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 Kevin N. Greenwood. 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. Kevin N. Greenwood ("Greenwood") is a Missouri resident with a residential address of 453 Stonepath Ln., O'Fallon, MO 63366.

2. On or about December 2, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Greenwood's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

3. Background Question No. 1 of the Application asks, in relevant part: "Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?"

4. Greenwood marked "Yes" to Question No. 1 and in two separate letters attached to his Application stated, in part:

> The pending charge I am dealing with is from having a couple of prescription pills in my car without the bottle in which they were prescribed. I did have the prescription at the time and I have a lawyer working on this now.
>
> * * *
>
> The conviction from 2002 took place when I was 17 years old. I was

> having a very hard time in my life at that time. My father passed on and I was living on my own. I've learned a very valuable lesson from this experience and feel very fortunate for this happening so early on in my life.

5. On or about October 17, 2002, Greenwood pled guilty to the Class B Felony of Trafficking in the Second Degree in violation of § 195.223.7(1) RSMo (Supp. 2001). The court sentenced Greenwood to ten years in the custody of the Department of Corrections. On April 8, 2003, the court suspended the execution of the ten year sentence and placed Greenwood on probation for a period of five years. *State v. Kevin N. Greenwood*, Lawrence Co. Cir. Ct., No. CR402-454FX.

6. The pending charge referenced by Greenwood in his letter is the Class C Felony of Possession of a Controlled Substance in violation of § 195.202. *State v. Kevin N. Greenwood*, St. Louis Co. Cir. Ct., No. 10SL-CR00727.

CONCLUSIONS OF LAW

7. Section 385.209 RSMo (Supp. 2011)[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:
>
> * * *
>
> (5) Been convicted of any felony[.]

8. 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.

9. Greenwood may be refused a motor vehicle extended service contract (MVESC) producer license pursuant to § 385.209.1(5) because he has been convicted of a felony. Greenwood pled guilty to the Class B Felony of Trafficking in the Second Degree in violation of § 195.223.7(1) RSMo (Supp. 2001). *State v. Kevin N. Greenwood*, Lawrence Co. Cir. Ct., No. CR402-454FX.

10. Greenwood has been convicted of the Class B Felony of Trafficking in the Second

[1] All statutory references are to RSMo 2000 as updated by RSMo (Supp. 2011) unless otherwise noted.

Degree; this felony is a sufficient ground to refuse Greenwood a MVESC license. Granting Greenwood a MVESC producer license would not be in the interest of the public. For all of the reasons given in this Order, the Director has considered Greenwood's history and all of the circumstances surrounding Greenwood's Application and exercises his discretion to refuse Greenwood's motor vehicle extended service contract producer license.

11. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Kevin N. Greenwood** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 30TH **DAY OF** OCTOBER, **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 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 31st day of October, 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 address:

Kevin N. Greenwood
435 Stonepath Ln.
O'Fallon, MO 63366

Certified No. 7009 3410 0001 9255 5801

Kathryn Randolph

Kathryn Randolph
Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: kathryn.randolph@insurance.mo.gov