State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
Eric Charles Griffin,	)	**Case No. 12-0327316C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On May 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 Eric Charles Griffin. 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. Eric Charles Griffin ("Griffin") is a Missouri resident with a residential address of 4469 Barat Hall Dr., # B4, St. Louis, MO 63108.

2. On or about January 11, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Griffin's Application for Motor Vehicle Extended Service Contract Producer License ("Application") which was supplemented by Griffin on January 25, 2012.

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. Griffin marked "Yes" to Question No. 1, and in a letter attached to his Application disclosed the following, in part:

> 1. The circumstances surrounding passing a bad check is that I paid bills from a bank account and the checks bounced. I had little time to repay and missed the date and was prosecuted!
>
> 2. The circumstances surrounding the stealing charge, I was managing money that I lost for investments. They weren't authorized appropriately.

5. On or about August 14, 2001, Griffin pleaded guilty to three counts of the Class D Felony

of Passing Bad Checks, in violation of § 570.120. The court sentenced Griffin to five years in the custody of the Department of Corrections for each count with the sentences to be served concurrently. The court suspended the execution of sentence and placed Griffin on probation for five years. On or about April 27, 2006, the court revoked Griffin's probation and sentenced Griffin to five years in the custody of the Department of Corrections. *State v. Eric C. Griffin*, St. Louis Co. Cir. Ct., No. 00CR-4361.

6. On or about March 13, 2006, Griffin pleaded guilty to fourteen counts of the Class C Felony of Stealing Over $500, in violation of § 570.030. The court sentenced Griffin to five years in the custody of the Department of Corrections with the sentences to be served concurrently with each count and with cause no. 00CR-4361 and cause no. 98CR-4480. *State v. Eric C. Griffin,* St. Louis City Cir. Ct., No. 051-1597.

CONCLUSIONS OF LAW

7. 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:
>
> * * *
>
> (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. Griffin may be refused a motor vehicle extended service contract (MVESC) producer license pursuant to § 385.209.1(5) because he has been convicted of seventeen felonies. Each felony is a separate and sufficient ground to refuse his license Application:

   a. *State v. Eric C. Griffin,* St. Louis Co. Cir. Ct., No. 00CR-4361 (three counts of the Class D Felony of passing bad checks, in violation of § 570.120).

   b. *State v. Eric C. Griffin,* St. Louis City Cir. Ct., No. 051-1597 (fourteen counts of the Class C Felony of Stealing Over $500 in violation of § 570.030).

10. Griffin has been convicted of seventeen felonies, all of which involved theft and

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

11. The order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service producer license application of **Eric Charles Griffin** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 18th DAY OF MAY, 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 21st day of May, 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:

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