State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
Paul F. Holloway,	)	**Case No. 120215188C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On April 19, 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 Paul F. Holloway. 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. Paul F. Holloway ("Holloway") is a Missouri resident with a residential address of 2713 Irondale, St. Louis, Missouri 63129.

2. On June 23, 2000, Holloway pled guilty to two counts of the Class C Felony of Second Degree Statutory Sodomy, in violation of § 566.064 RSMo. On September 15, 2000, the court sentenced Holloway to five years' incarceration for each count, to be served concurrently. On January 12, 2001, the court suspended the execution of the remainder of Holloway's sentence and ordered that he begin serving five years probation. Holloway completed probation in January 2006. *State v. Paul Holloway*, St. Charles Co. Cir. Ct., Case No. 2100R-00407-01.

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

CONCLUSIONS OF LAW

4. 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[.]

5. 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.

6. Holloway may be refused a motor vehicle extended service contract ("MVESC") producer license pursuant to § 385.209.1(5) because he has been convicted of two felonies. *State v. Paul Holloway*, St. Charles Co. Cir. Ct., Case No. 2100R-00407-01.

7. Holloway has been convicted of two felony counts of Second Degree Statutory Sodomy. Granting Holloway a MVESC producer license would not be in the interest of the public. The Director has considered Holloway's history and all of the circumstances surrounding Holloway's Application and exercises his discretion to refuse Holloway's MVESC producer license.

8. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service producer license application of **Paul F. Holloway** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 23RD 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 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 24th 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:

Paul F. Holloway
2713 Irondale
St. Louis, Missouri 63129

Certified No. 7009 3410 0001 8931 2974

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