



State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

IN RE:)
)
 JASEN ALLEN DENISTON, Sr.) **Case No. 140528483C**
)
 Applicant.)

ORDER REFUSING TO ISSUE
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On January 29, 2015, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the motor vehicle extended service contract producer license application of Jasen Allen Deniston, Sr. After reviewing the Petition, 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. Jasen Allen Deniston, Sr. (“Deniston”) is a Missouri resident with a residential and mailing address of record of 1201 Boone St., Troy, MO 63379.
2. On March 4, 2013, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Deniston’s Application for Motor Vehicle Extended Service Contract Producer License (“2013 Application”).¹
3. On November 19, 2013, John M. Huff, Director of the Department, issued his Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License (“2013 Order”), thereby refusing Deniston’s 2013 Application pursuant to § 385.209.1(3), (5), (12), and (13), RSMo (Supp. 2012). In particular, the Director found that:
 - a. Deniston had attempted to obtain a motor vehicle extended service contract (“MVESC”) producer license through material misrepresentation or fraud by failing to disclose his conviction for Domestic Assault in the Third Degree, a Class A Misdemeanor, in violation of § 565.074,² falsely stating that he had completed probation “without issue” when in fact it had been revoked, and

¹ Though Deniston spelled his middle name “Allan” and provided different employment history on his 2013 Application, the accompanying birthdate and Social Security Number are identical to those on his 2014 Application.

² All criminal statutory references to are to those contained in the version of the Revised Statutes of Missouri pursuant to which each judgment was rendered. *State v. Jasen A. Deniston*, Lincoln Co. Cir. Ct., Case No. 45R010100110.

failing to disclose two state income tax delinquencies;

- b. Deniston had been convicted of Robbery in the Second Degree, a Class B Felony, in violation of § 569.030;³
- c. Deniston had failed to comply with administrative and court orders imposing a child support obligation in *J.A.D. by Natasha Blair v. Jasen Deniston*, Warren Co. Cir. Ct., Case No. 08BB-DR00002;
- d. Deniston had failed to comply with court orders imposing a child support obligation in *Michelle Deniston v. Jasen Deniston*, St. Charles Co. Cir. Ct., Case No. 1011-FC04258; and
- e. Deniston had failed to comply with administrative or court orders directing him to pay Missouri income tax for the filing periods 2007 and 2008.

In re: Jasen A. Deniston, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 195888.

4. The 2013 Order was mailed to Deniston by regular and certified mail on November 21, 2013, and was not returned to the Department as undeliverable; therefore, he is presumed to have received it.⁴
5. The 2013 Order contained a “NOTICE” stating:

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.

(Emphasis in original.)

6. Deniston neither filed a complaint with, nor requested a hearing from, the Administrative Hearing Commission regarding his 2013 Application or the 2013 Order.
7. On February 4, 2014, the Department received Deniston’s Application for Motor Vehicle Extended Service Contract Producer License (“2014 Application”).
8. On August 27, 2014, Andrew Engler, a Special Investigator with the Department’s

³ *State v. Jasen A. Deniston*, St. Charles. Co. Cir. Ct., Case No. 04CR131046-01.

⁴ The 2013 Order was mailed to the address stated in paragraph 1, which is the same address Deniston provided on both his 2013 Application and 2014 Application.

Consumer Affairs Division (“Division”), sent Deniston an inquiry letter by first-class mail, postage prepaid (“inquiry letter”), requesting detailed information about Deniston’s child support obligations and advising him that “[p]ursuant to 20 CSR 100-4.100, your response is due twenty days from the postmark of this letter” and that failure to adequately respond could “constitute[] cause for the Director to refuse to issue you an MVESC producer license.”

9. As of the date of the 2014 Application Deniston owed approximately \$17,229.16 in child support arrearages:
 - a. On May 10, 2011, the St. Charles County Circuit Court ordered Deniston to pay child support in the amount of \$500.00 per month.⁵
 - b. In the same case, on August 16, 2011, the St. Charles County Circuit Court entered a Judgment on Dissolution in which it ordered Deniston to pay \$550.00 per month for child support, and further ordering Deniston to pay \$100.00 per month on an outstanding arrearage of \$4,238.00. In January 2014, Deniston’s total arrearage on this obligation was \$17,229.16.⁶
10. The inquiry letter was not returned to the Department as undeliverable; therefore, Deniston is presumed to have received it.
11. The Department has received no communication or correspondence from Deniston with regard to the inquiry letter, nor has Deniston demonstrated reasonable justification for the delay.

CONCLUSIONS OF LAW

12. Section 385.209.1, RSMo (Supp. 2014)⁷ provides, in relevant part:

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 *Michelle Deniston v. Jasen Deniston*, St. Charles Co. Cir. Ct., No. 1011-FC04258.

⁶ *Id.*; Missouri Department of Social Services, Family Support Division, Child Support Enforcement Case No. 91350183.

⁷ All civil statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2014 RSMo Supplement, unless otherwise noted.

(2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director;

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

* * *

(5) Been convicted of any felony;

* * *

(9) Been refused a license or had a license revoked or suspended by a state or federal regulator of service contracts, financial services, investments, credit, insurance, banking, or finance;

* * *

(12) Failed to comply with an administrative or court order imposing a child support obligation; [or]

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

13. Title 20 CSR 100-4.100(2)(A) provides:

Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

14. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. E.D. 2000) (internal citation omitted).

15. 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. Ct. App. E.D. 1984), the purpose of § 385.209 is not to punish applicants for MVEESC producer licensure, but to protect the public.

16. The Director may refuse to issue a MVEESC producer license to Deniston pursuant to § 385.209.1(2) because Deniston violated a rule of the Director, specifically 20 CSR 100-4.100(2)(A), when he failed to mail a timely and adequate response to the Division's

inquiry letter and failed to demonstrate reasonable justification for the delay.

17. The Director may refuse to issue a MVESC producer license to Deniston pursuant to § 385.209.1(3) because Deniston attempted to obtain a MVESC producer license through material misrepresentation or fraud by his 2013 Application, as previously found by the 2013 Order. *In re: Jasen A. Deniston*, Case No. 195888. Each of the following is a separate and sufficient cause to refuse Deniston's 2014 Application under § 385.209.1(3):
 - a. Deniston failed to disclose his conviction for Domestic Assault in the Third Degree in order to diminish the apparent extent of his criminal history to the Director and, accordingly, in order to improve the chances that the Director would approve his 2013 Application and issue him an MVESC producer license;
 - b. In his March 18, 2013 signed written statement, Deniston, referring to his Robbery in the Second Degree conviction, falsely stated that "I completed my probation without issue." In fact, Deniston's probation was revoked and he was sentenced to 120 days in county jail;
 - c. Deniston falsely answered "No" to Background Question No. 4, and failed to disclose his delinquent tax obligation for tax year 2007 in his 2013 Application, in order to misrepresent to the Director that he had no tax delinquencies and, accordingly, in order to improve the chances that the Director would approve his 2013 Application and issue him an MVESC producer license;
 - d. Deniston falsely stated in his June 11, 2013 response to an inquiry from the Division that as a result of his guilty plea to Domestic Assault in the Third Degree he "was given probation for one year, which [he] completed without issue" when, in fact, the Lincoln County Circuit Court revoked Deniston's probation twice and sentenced him to six (6) months' confinement in county jail. Deniston made this false statement in order to diminish the apparent extent of his criminal history and to create a false impression of contrition and rehabilitation and, accordingly, to improve the chances that the Director would approve his 2013 Application and issue him an MVESC producer license;
 - e. Deniston falsely stated in his June 11, 2013 response to an inquiry from the Division that he had "filed taxes for all other years" besides tax year 2007. In fact, Deniston owed delinquent taxes for tax year 2008, and in a far greater amount than for tax year 2007. Deniston made this false statement in order to misrepresent and minimize the extent of his tax delinquencies to the Director and, accordingly, to improve the chances that the Director would approve his 2013 Application and issue him an MVESC producer license.
18. The Director may refuse to issue a MVESC producer license to Deniston pursuant to § 385.209.1(5) because Deniston was convicted of a felony, specifically Robbery in the Second Degree, a Class B Felony. *State v. Jasen A. Deniston*, St. Charles. Co. Cir. Ct., Case No. 04CR131046-01.

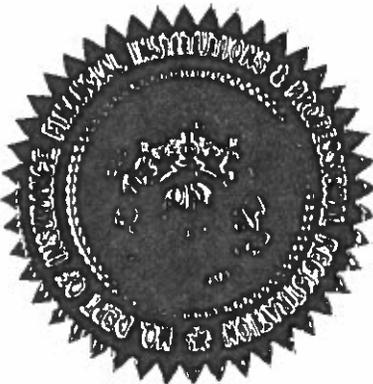
19. The Director may refuse to issue a MVESC producer license to Deniston pursuant to § 385.209.1(9) because Deniston was refused a license by a state regulator of service contracts and insurance, specifically the Director himself, by the 2013 Order. *In re: Jasen A. Deniston*, Case No. 195888.
20. The Director may refuse to issue a MVESC producer license to Deniston pursuant to § 385.209.1(12) because Deniston failed to comply with administrative and court orders imposing child support obligations. *Id.*
21. The Director may refuse to issue a MVESC producer license to Deniston pursuant to § 385.209.1(12) because Deniston failed to comply with administrative and court orders imposing child support obligations since the date of the 2013 Order; his arrearage in respect of minor F.A.R.D. increased from \$12,642.79 to \$17,229.16. *Id.*; Missouri Department of Social Services, Family Support Division, Child Support Enforcement Case No. 91350183.
22. The Director may refuse to issue a MVESC producer license to Deniston pursuant to § 385.209.1(13) because Deniston failed to comply with administrative and court orders directing payment of state income tax. *In re: Jasen A. Deniston*, Case No. 195888.
23. The Director has considered Deniston's history and all of the circumstances surrounding Deniston's 2014 Application, including the previous rejection of his 2013 Application by the 2013 Order. Issuing a MVESC producer license to Deniston would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a MVESC producer license to Deniston.
24. This Order is in the public interest.

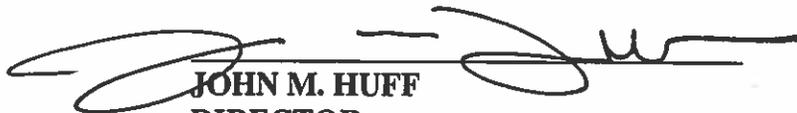
ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Jasen Allen Deniston, Sr.** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 29TH DAY OF JANUARY, 2015.




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 30th day of January, 2015, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Jasen Allen Deniston, Sr.
1201 Boone Street
Troy, Missouri 63379-2211

No. 1Z0R15W84294369799



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