



State of Missouri

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

IN RE:)
)
JAMES ANTHONY GRIFFIN,) **Case No. 14-1110727C**
)
Applicant.)

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

On January 22, 2015, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to James Anthony 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. James Anthony Griffin (“Griffin”) is a Missouri resident with a residential address of 13 Spring Leaf Ct., St. Peters, MO 63376.
2. On February 11, 2014, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Griffin’s “Application for Motor Vehicle Extended Service Contract Producer License” (“Application”).
3. The Department returned Griffin’s Application to him without processing it, because Griffin indicated that he had been convicted of a crime in response to Background Question No. 1 on the Application, but he failed to attach a written statement, copies of the charging document, and a document showing resolution of the charges, as directed by the Application. Also, Griffin’s documents needed to be signed and notarized again, as the notary signature bore an incorrect date.
4. On August 22, 2014, the Department received Griffin’s resubmitted Application along with additional paperwork, and his new signature and notary signature. The Department considered his Application filed as of that time.

5. The "Applicant's Certification and Attestation" section of the Application states, in relevant part, as follows:

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.

6. On August 15, 2014, Griffin signed the Application under oath and before a notary.

7. Background Question No. 1 of the Renewal 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?

8. Griffin answered "Yes" to Background Question No. 1 of the Application. Griffin included a copy of a complaint charging him with assault in the second degree. *State v. James Anthony Griffin*, St. Charles Co. Assoc. Cir. Ct., Case No. 0811-CR03021. He also included orders of probation and a "Judgment and Order of Probation Violation" in that case. Finally, Griffin included a handwritten statement regarding the assault. The court documents show that Griffin received a sentence of five years, with execution suspended, and five years' supervised probation. *State v. James Anthony Griffin*, St. Charles Co. Cir. Ct., Case No. 0811-CR03021-01. He was also ordered to pay \$18,445.11 in restitution, at a rate of \$307.42 per month for 60 months. *Id.* In June 2014, Griffin confessed to violating the conditions of his probation, but the court continued him on probation. *Id.*

9. Background Question No. 7 of the Application asks the following:

Do you have a child support obligation in arrearage??

If you answer yes:

- a) by how many months are you in arrearage? _____ months
- b) are you currently subject to and in compliance with any repayment agreement?
- c) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation

showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)

10. Griffin answered "Yes" to Background Question No. 7 on the Application. Griffin indicated that he was in arrears on his child support by 24 months. Griffin also indicated that he was subject to and in compliance with a repayment agreement, and that he was not the subject of a child support related subpoena/warrant.
11. The Division's investigation regarding Griffin and his background revealed the following additional information:

- a) On August 31, 2009, Griffin pled guilty in the St. Charles County Circuit Court to the Class C Felony of Assault in the Second Degree in violation of § 565.060, RSMo Supp. 2014.¹ The court sentenced Griffin to five years in prison but suspended the execution of sentence and placed Griffin on five years of supervised probation with the conditions that he have no contact with the victim, pay restitution, and complete a batterer's intervention program. *State v. James Anthony Griffin*, St. Charles Co. Cir. Ct., Case No. 0811-CR03021-01.

- b) Griffin owes child support to two different women, for three children and is in arrears on both obligations. Since February 2010, Griffin has been obligated to pay \$416.00 per month for two children (R.G. and M.G.).² *State of Missouri, Division of Family Services v. James A. Griffin*, St. Louis City Cir. Ct., Case No. 10SL-CR01161. Since August 2004, Griffin has been obligated to pay \$525.00 per month for one child, C.G. *Jillian L. Volmert v. James A. Griffin*, St. Charles Co. Cir. Ct., Case No. 04FC125284. At the time he submitted his Application, Griffin owed a total of \$41,287.17 in arrears. As of January 8, 2015, Griffin owes a total of \$41,810.66 in arrears.³ If, as Griffin indicated on his Application in

¹ All further references are to RSMo Supp. 2014 unless otherwise noted.

² Section 452.340.3 provides that a child support obligation generally terminates when a child turns 18, or 21 if the child is enrolled in a secondary school program of instruction, or vocational or higher education. Section 452.340.3 and .5.

³ Griffin made payments in the interim, between August and December 2014, just not complete payments. This information, as well as the amount of arrearage noted, is available from the Missouri Department of Social Services, Family Support Division, Child Support Enforcement webpage, accessible through the Department of Social Services website, www.dss.mo.gov.

August 2014, he were only 24 months behind on child support payments, he would owe a total of \$22,584. Even combined, this understates Griffin's child support arrearage by well over \$19,000.

12. It is inferable, and hereby found as fact, that Griffin understated his child support arrearages in order to improve the chances that the Director would issue a motor vehicle extended service contract ("MVESC") producer license to him.

CONCLUSIONS OF LAW

13. Section 385.209.1 provides:

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;

* * *

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

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 MVESC producer licenses, but to protect the public.
15. The Director may refuse to issue an MVESC producer license to Griffin under § 385.209.1(3) because Griffin attempted to obtain a license through material misrepresentation or fraud in his Application in that he substantially underreported his child support arrearages. Griffin represented on his Application that he was 24

months behind on his child support payments. If Griffin were 24 months behind, on both cases, his total arrearage would be \$22,584. In actuality though, and as of January 8, 2015, Griffin owes \$18,172.39 in one case and \$23,638.27 in the other, for a total of \$41,810.66 on both cases. Griffin minimized the child support arrearages that he owes, and that constitutes misrepresentation.

16. Griffin provided a misleading answer regarding his child support arrearages for the purpose of representing to the Director that Griffin was only two years behind on his child support and, accordingly, in order to improve the chances that the Director would approve Griffin's Application and issue him an MVEESC producer license.
17. The Director may refuse to issue an MVEESC producer license to Griffin under § 385.209.1(5) because Griffin has been convicted of a felony, the Class C Felony of Assault in the Second Degree. *State v. James Anthony Griffin*, St. Charles Co. Cir. Ct. Case No. 0811-CR03021-01. Griffin received a five year sentence, with the execution suspended, and five years' supervised probation. *Id.*
18. The Director may refuse to issue an MVEESC producer license to Griffin under § 385.209.1(12) because Griffin failed to comply with an administrative or court order imposing a child support obligation. Since February 2010, Griffin has been obligated to pay \$416.00 per month for two children (R.G. and M.G.). *State of Missouri, Division of Family Services v. James A. Griffin*, St. Louis City Cir. Ct., Case No. 10SL-CR01161. Since August 2004, Griffin has been obligated to pay \$525.00 per month for one child, C.G. *Jillian L. Volmert v. James A. Griffin*, St. Charles Co. Cir. Ct., Case No. 04FC125284. At the time he submitted his Application, Griffin owed a total of \$41,287.17 in arrears. And as of January 8, 2015, Griffin owes a total of \$41,810.66 in arrears. While Griffin has made some payments, over time Griffin has amassed a substantial arrearage that shows his ultimate failure to comply with administrative or court orders imposing child support obligations.
19. The above-described instances are grounds upon which the Director may refuse to issue an MVEESC producer license to Griffin. Griffin has been convicted of a felony, the Class C Felony of Assault in the Second Degree. Moreover he has failed to fully comply with two separate court ordered child support obligations to the point that he currently is over \$40,000 in arrears in total. Griffin disclosed his child support obligations, but he understated the amount of money that he owes in an apparent effort to get the Director to approve his Application.
20. The Director has considered Griffin's history and all of the circumstances surrounding Griffin's Application. Issuing an MVEESC producer license to Griffin

would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to issue an MVESC producer license to Griffin.

21. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the MVESC producer license Application of James Anthony Griffin is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 21ST **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 22nd day of January, 2015, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, with signature required, at the following address:

James Anthony Griffin
13 Spring Leaf Ct.
St. Peters, Missouri 63376

Tracking No. 1ZE63A290393284771



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