State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
JOHN ELLIS MORRIS II,	)	**Case No. 150615331C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE A MOTOR VEHICLE EXTENDED SERVICE PRODUCER LICENSE

On October 6, 2015, 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 John Ellis Morris II. 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. John Ellis Morris II ("Morris") is a Missouri resident with a residential address of 914 Taylor Place, O'Fallon, Missouri 63366.

2. On March 31, 2015, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Morris's completed Application for Motor Vehicle Extended Service Contract Producer License ("Application").

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

    1. 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.

4. On March 17, 2015, Morris signed the "Applicant's Certification and Attestation" section of the Application under oath in front of a notary public.

5. Background Question No. 1 of the Application asks the following, in relevant part:

Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence or a fine.

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:
a) a written statement explaining the circumstances of each incident,
b) a certified copy of the charging document, and
c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

6. Morris answered "Yes" to Background Question No. 1 on his Application.

7. Morris provided a letter regarding his criminal conviction for property damage in the 1st degree and provided certified court records which indicate the following:

   a. On May 15, 1998, Morris pled guilty to Property Damage, 1st Degree, a Class D Felony, in violation of § 569.100. The court suspended imposition of sentence and placed Morris on supervised probation for five (5) years.

   b. On August 10, 2000, the court revoked Morris's probation and sentenced him to five (5) years' incarceration. The court suspended execution of sentence and placed Morris on five (5) years supervised probation.

   c. On September 23, 2004, the court revoked Morris's probation and committed Morris to the custody of the Missouri Department of Corrections for five (5) years.

State v. John E. Morris, St. Charles Co. Cir. Ct., Case No. 11R019702739-01.

8. However, Morris failed to disclose that on January 28, 2002 he pled guilty to Lienholder Failed to Surrender Title of Reconstructed Vehicle to DOR, a Class B Misdemeanor, in violation of § 301.020. The court ordered a fine as punishment. *State v. John E. Morris*, St. Charles Co. Cir. Ct., Case No. 11T059902840.

9. Employment History Question No. 35 of the Application requests the following, in relevant part:

   Account for all time for the past five years. List all employment experience starting with your current employer and working back five years.

10. In response to Employment History Question No. 35, Morris admitted he worked for AutoAssure, LLC in O'Fallon, Missouri, as a "Sales Representative" from March 2013 to March 2015.

11. AutoAssure, LLC, in O'Fallon, Missouri, is a motor vehicle extended contract ("MVESC") business entity producer licensed by the Department to sell, offer, negotiate, or solicit motor vehicle extended service contracts.

12. Morris did not have a MVESC producer license during the time period from March 2013 to March 2015.

13. It is inferable, and hereby found as fact, that Morris failed to disclose his full criminal history on his Application in order to misrepresent his criminal history to the Director, and accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license. The documents that Morris attached to his Application regarding his Felony conviction demonstrate that Morris understood what disclosures were required in response to Background Question No. 1.

CONCLUSIONS OF LAW

14. Section 385.209 RSMo. (Supp. 2013)[1] provides, in relevant 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:

    * * *

[1] All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement, unless otherwise indicated.

(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;

* * *

(11) Unlawfully acted as a producer without a license[.]

15. Section 385.206 provides, in relevant part:

1. It is unlawful for any person in or from this state to sell, offer, negotiate, or solicit a motor vehicle extended service contract with a consumer, other than the following:

* * *

(6) A business entity producer or individual producer licensed under section 385.207[.]

16. Section 385.207 provides, in part:

* * *

3. An individual, prior to selling, offering, negotiating, or soliciting a motor vehicle extended service contract with a consumer under subdivision (6) of subsection 1 of section 385.206, shall apply for and obtain licensure with the director as an individual producer in accordance with this section.

17. The Director may refuse to issue a MVESC producer license to Morris pursuant to § 385.209.1(3) because Morris attempted to obtain a license through material misrepresentation or fraud when he failed to disclose his misdemeanor conviction on his Application. *State v. John E. Morris*, St. Charles Co. Cir. Ct., Case No. 11T059902840.

18. The Director may refuse to issue a MVESC producer license to Morris pursuant to § 385.209.1(5) because Morris was convicted of a felony. *State v. John E. Morris,* St. Charles Co. Cir. Ct., Case No. 11R019702739-01.

19. The Director may refuse to issue a MVESC producer license to Morris pursuant to § 385.209.1(2) because Morris violated a provision in §§ 385.200 to 385.220, namely

§ 385.206.1(6), when he unlawfully, in or from this state, sold, offered, negotiated, or solicited a motor vehicle extended service contract with a consumer without a license.

20. The Director may refuse to issue a MVESC producer license to Morris pursuant to § 385.209.1(11) because Morris unlawfully acted as a producer without a license from March 2013 to March 2015 during his employment as a "Sales Representative" for AutoAssure, LLC.

21. The Director has considered Morris's history and all of the circumstances surrounding Morris's Application, and exercises his discretion to refuse to issue a MVESC producer license to Morris.

22. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **John Ellis Morris II** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 8th **DAY OF** October**, 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 9th day of October, 2015, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, postage prepaid, at the following address:

John Ellis Morris II
914 Taylor Place
O'Fallon, Missouri 63366

Tracking No. 1Z0R15W84297960545

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