



State of Missouri

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

IN RE:

LAVAUGHN R. CARTER,

Applicant.

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Case No. 191828

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

On September 10, 2013, 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 LaVaughn R. Carter. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. LaVaughn R. Carter ("Carter") is a Michigan resident with a residential address of record of 18773 Warwick Street, Detroit, Michigan, 48219.
2. On December 31, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Carter's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
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. Carter marked "Yes" to Question No. 1.
5. Carter attached to his Application uncertified copies of an Order of Probation and a Petition and Order for Discharge from Probation. The documents were poorly copied and only partially legible, but the Petition and Order for Discharge from Probation contained a box labeled "Offense," in which was typed "Home Invasion, Aggravated Stalking."
6. Carter also attached to his Application a written statement concerning his criminal history which read, verbatim in its entirety:

Back in 1996 me and my now ex wife had an argument in which she denied me my visit with our children. It was at this time that I pushed the door and broke it off the hinges and entered the house to get my daughters. Because we had a court order no contact or ppo in place that is what caused me to be charged with stalking (Violating ppo) for breaking the door (Malicious Dst of Property) and because I entered the home (Home Invasion). I only had to do five years of probation but I only did 3.

7. After repeated attempts to contact Carter were unsuccessful, the Department's Consumer Affairs Division independently acquired certified copies of court records from the criminal case disclosed by Carter.
8. The certified court records showed that on September 9, 1996, Carter was found guilty in Wayne County, Michigan, of three felonies:¹
 - a. Home Invasion in the First Degree, a felony under Michigan Compiled Laws (M.C.L.) § 750.110a(2),² carrying a maximum penalty of up to twenty (20) years in prison and a fine of up to \$5,000;
 - b. Aggravated Stalking, a felony under M.C.L. § 750.411i, carrying a maximum penalty of up to five (5) years in prison and a fine of up to \$10,000;
 - c. Malicious Destruction of Personal Property Over \$100, a felony under M.C.L. § 750.377a.³
9. On October 17, 1996, the court sentenced Carter to ten (10) years of probation and one (1) year of jail confinement.

CONCLUSIONS OF LAW

10. Section 385.209 RSMo, Supp. 2012, 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:

¹ *People of the State of Michigan v. LaVaughn R. Carter*, Third Judicial Circuit Court, Wayne County, Michigan, Case No. 96-001213-01-FH.

² References to Michigan Compiled Laws are to the versions in effect in 1996.

³ The court documents cite the statute as "750.377A-A." The maximum penalty for this felony is not specified in § 750.377a, but it appears to have been up to four (4) years of imprisonment and a fine of up to \$2,000, under M.C.L. § 750.503.

* * *

- (5) Been convicted of any felony[.]
11. 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.
 12. Carter may be refused an MVESC producer license pursuant to § 385.209.1(5) because he has been convicted of six felonies:
 - a. *People of the State of Michigan v. LaVaughn R. Carter*, Third Judicial Circuit Court, Wayne County, Michigan, Case No. 96-001213-01-FH (Home Invasion in the First Degree, a felony under M.C.L. § 750.110a(2));
 - b. *People of the State of Michigan v. LaVaughn R. Carter*, Third Judicial Circuit Court, Wayne County, Michigan, Case No. 96-001213-01-FH (Aggravated Stalking, a felony under M.C.L. § 750.411i);
 - c. *People of the State of Michigan v. LaVaughn R. Carter*, Third Judicial Circuit Court, Wayne County, Michigan, Case No. 96-001213-01-FH (Malicious Destruction of Personal Property Over \$100, a felony under M.C.L. § 750.377a).
 13. The Director has considered Carter's history and all of the circumstances surrounding Carter's Application. Granting Carter a motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a motor vehicle extended service contract producer license to Carter.
 14. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **LaVaughn R. Carter** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 17th DAY OF SEPTEMBER, 2013.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

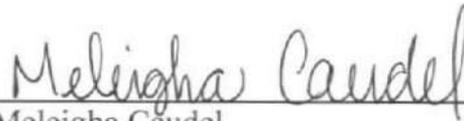
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 19th day of September, 2013, 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:

LaVaughn R. Carter
18773 Warwick Street
Detroit, Michigan 48219

Certified No. 7009 3410 0001 9255 0080



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