



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

LAKENYA HOBBS,

a/k/a KENYA HOBBS,

Applicant.

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Case No. 184444

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

On May 23, 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 LaKenya Hobbs, a/k/a Kenya Hobbs. 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. LaKenya Hobbs, a/k/a Kenya Hobbs ("Hobbs") is a Missouri resident with a residential address of record of 318 Rand Drive, St. Louis, Missouri, 63135.
2. On December 18, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received an Application for Motor Vehicle Extended Service Contract Producer License (the "December Application") from Hobbs under the name "LaKenya Marie Hobbs."
3. Background Question No. 1 of the Application asks the following:

Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license or juvenile offenses.

“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, or having been given probation, a suspended sentence or a fine.

“Had a judgement withheld or deferred” includes circumstances in which a guilty plea was entered and/or a finding of guilt is 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”).

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment[.]

4. Hobbs marked “Yes” to Question No. 1.
5. With her Application, Hobbs included a letter in which she mentioned that “I did do some things that I’m not proud of which allow me to land in jail and receive a felony on my record,” but she did not describe the nature of the felony or identify any case numbers. In the letter, Hobbs also described some of the general life circumstances surrounding her involvement in criminal activity and offered assurances that she had changed her life.
6. Hobbs did not include any other documentation or explanation of her criminal history with the December Application.
7. Further investigation revealed that Hobbs has been convicted of four (4) felonies, the most recent in 2005, all involving misappropriation of money by theft or dishonesty, and involving financial institutions:
 - a. On April 19, 2001, Hobbs pled guilty to the **Class C Felony of Stealing \$750 or More**, a violation of § 570.030, RSMo, in the St. Louis County Circuit Court. *State of Missouri v. LaKenya M. Hobbs*, St. Louis Co. Cir. Ct., 2101R-00044A-01. The Supplemental Sentence included a requirement that Hobbs and/or her co-defendant pay \$6,400 in restitution. The court granted Hobbs a suspended imposition of sentence and placed her on five years’ probation.
 - b. However, on October 31, 2003, the court revoked Hobbs’s probation in case number 2101R-00044A-01 and sentenced her to 120 days of shock incarceration.”
 - c. The court again revoked Hobbs’s probation in case number 2101R-00044A-01 on April 29, 2005.” The court sentenced Hobbs to one (1) year of incarceration with the Department of Justice Services of St. Louis County, to

be served concurrently with the sentence in case number 2104R-02732-01 (below).

- d. The acts for which Hobbs was convicted of Stealing Over \$750 in *State of Missouri v. LaKenya M. Hobbs*, St. Louis Co. Cir. Ct., 2101R-00044A-01 involved Hobbs stealing property in the possession of the Telephone Employees Credit Union;
- e. On September 25, 2003, Hobbs was convicted of the **Class C Felony of Forgery**, a violation of § 570.090, RSMo, in the Circuit Court of the City of St. Louis. *State of Missouri v. LaKenya M. Hobbs*, St. Louis City Cir. Ct., 22021-02327-01. The court sentenced Hobbs to three (3) years' incarceration with the Missouri Department of Corrections, to be served concurrently with the sentence in case number 22031-00556-01 (below), but suspended execution of the sentence and placed Hobbs on two (2) years' probation.
- f. Hobbs's conviction of Forgery in *State of Missouri v. LaKenya M. Hobbs*, St. Louis City Cir. Ct., 22021-02327-01 was based on the allegation that Hobbs, "with the purpose to defraud, used as genuine a writing, namely a check numbered 1007 purportedly drawn on the account of [another person], knowing that it had been made so that it purported to have been made by authority of one who did not give such authority;"
- g. Also on September 25, 2003, Hobbs was convicted of a second count of the **Class C Felony of Forgery**, a violation of § 570.090, RSMo, in the Circuit Court of the City of St. Louis. *State of Missouri v. LaKenya M. Hobbs*, St. Louis City Cir. Ct., 22031-00556-01. The court sentenced Hobbs to three (3) years' incarceration to be served concurrently with the sentence in case number 22021-02327-01, but suspended execution of the sentence and placed Hobbs on two (2) years' probation.
- h. Hobbs's conviction of Forgery in *State of Missouri v. LaKenya M. Hobbs*, St. Louis City Cir. Ct., 22031-00556-01 was based on the allegation that Hobbs, "with the purpose to defraud, transferred with the knowledge or belief that it would be used as genuine a writing, namely a ATC Healthcare Services Inc. check 9091 knowing that it had been made so that it purported to have been made by authority of one who did not give such authority;"
- i. On April 29, 2005, Hobbs was convicted of the **Class C Felony of Forgery**, a violation of 570.090, RSMo, in the Circuit Court of St. Louis County. *State of Missouri v. LaKenya M. Hobbs*, St. Louis Co. Cir. Ct., 2104R-02732-01. The court sentenced Hobbs to one (1) year of incarceration with the Department of Justice Services of St. Louis County, to be served concurrently with the sentence in case number 2101R-00044A-01;

- j. Hobbs's conviction of Forgery in *State of Missouri v. LaKenya M. Hobbs*, St. Louis Co. Cir. Ct., 2104R-02732-01 was based on the allegation that Hobbs, "with the purpose to defraud, used as genuine a check #2630 written on the account of [another person] at St. Louis Postal Credit Union, knowing that it had been made so that it purported to have a genuineness that it did not possess."
- 8. On January 18, 2013, the Department received an Application for Motor Vehicle Extended Service Contract Producer License (the "January Application") from Hobbs under the name "Kenya Marie Hobbs."
- 9. The January Application used the same social security number and date of birth as the December Application.
- 10. In response to Background Question No. 1 of the January Application, Hobbs marked "No" and attached no documentation or other disclosure of her criminal history.
- 11. The Department's investigator, E.J. Jackson, contacted Hobbs by phone and asked her about the January Application and its incorrect answer to Background Question No. 1, but Hobbs terminated the phone call and forwarded subsequent calls from Jackson to voicemail. Hobbs failed to return Jackson's voicemail messages.

CONCLUSIONS OF LAW

- 12. 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:

* * *

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

* * *

(5) Been convicted of any felony;

* * *

- (7) Been found in violation of law by a court of competent jurisdiction in an action instituted by any officer of any state or the United States in any matter involving motor vehicle extended service contracts, financial services, investments, credit, insurance, banking, or finance[.]
13. 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.
 14. Hobbs may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because she has been convicted of four felonies:
 - a. *State of Missouri v. LaKenya M. Hobbs*, St. Louis Co. Cir. Ct., 2101R-00044A-01 (Class C Felony of Theft Over \$750, a violation of § 570.030, RSMo) (became a conviction after probation was revoked and sentenced was imposed on October 31, 2003);
 - b. *State of Missouri v. LaKenya M. Hobbs*, St. Louis City Cir. Ct., 22021-02327-01 (Class C Felony of Forgery, a violation of § 570.090, RSMo);
 - c. *State of Missouri v. LaKenya M. Hobbs*, St. Louis City Cir. Ct., 22031-00556-01 (Class C Felony of Forgery, a violation of § 570.090, RSMo);
 - d. *State of Missouri v. LaKenya M. Hobbs*, St. Louis Co. Cir. Ct., 2104R-02732-01 (Class C Felony of Forgery, a violation of § 570.090, RSMo).
 15. Hobbs also may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(7) because she has been found in violation of law by a court of competent jurisdiction in an action instituted by any officer of Missouri in a matter involving financial services, credit, banking and/or finance, in that Hobbs was convicted in Missouri state courts of four felonies, each of which involved financial services, credit, banking and/or finance, and these actions were instituted by the State of Missouri through prosecuting attorneys.
 16. Hobbs also may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(3) because she attempted to obtain a license through material misrepresentation or fraud, in that she misrepresented the extent of her criminal history in her December Application by referring only to “a felony” and by failing to provide required documentation of her criminal history, and in that she fraudulently misrepresented her criminal history when she submitted the January Application under a slightly different name, ostensibly to hide her criminal background and overcome potential refusal of her December Application, with all disclosures of her criminal history removed, and with a false “No” answer to Background Question No. 1, all in an effort to receive a license, and these misrepresentations were material to the Director’s licensure

decision.

17. The Director has considered Hobbs's history and all of the circumstances surrounding Hobbs's Application. Granting Hobbs 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 Hobbs.
18. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **LaKenya Hobbs** is hereby **REFUSED** and the application submitted by LaKenya Hobbs under the name "Kenya Hobbs" is also hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 24TH DAY OF MAY, 2013.





JOHN M. HUFF
DIRECTOR

NOTICE

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

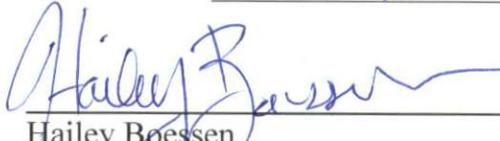
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 29 day of May, 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:

LaKenya Hobbs
318 Rand Drive
St. Louis, Missouri 63135

Certified No. 7009 3410 0001 9254 5383



Hailey Boessen
Senior Office Support Assistant
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