State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
LETITIA S. WRIGHT,	)	**Case No. 189958**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On July 9, 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 Letitia S. Wright. 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. Letitia S. Wright ("Wright") is a Missouri resident with a residential address of record of 11974 Sagunto Terrace, Spanish Lake, Missouri, 63138.

2. On February 11, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Wright's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

3. Wright signed the Application under oath before a notary.

4. Background Question No. 1 of the Application asks the following:

   Have you ever been convicted of a crime, had a judgement 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[.]

5. Wright marked "No" to Question No. 1.

6. Wright did not disclose any criminal history in her Application.

7. Investigation of Wright's Application revealed that on or about October 23, 2009, Wright pled guilty in the District Court in Story County, State of Iowa, to the simple misdemeanor of Disorderly Conduct and was fined $ 87.25.[1]

8. Investigation also revealed that an arrest warrant for Wright had been issued in 2004 in North Carolina, based on allegations that she counterfeited a check and attempted to cash it.[2]

9. On February 20, 2013, Consumer Affairs Division Investigator Karen Crutchfield mailed an inquiry letter to Wright requesting an explanation of her "No" answer to Background Question No. 1, in light of her 2009 disorderly conduct guilty plea and fine, and in light of the allegations of check forgery and fraud contained in the 2004 North Carolina arrest warrant.

10. Crutchfield mailed the February 20, 2013 letter by regular U.S. mail, to Wright's address of record, with sufficient postage attached.

11. The February 20, 2013 letter was not returned as undeliverable.

12. Wright did not respond to the February 20, 2013 letter and has offered no justification for her failure to respond.

13. On March 14, 2013, Crutchfield mailed a second inquiry letter to Wright requesting an explanation of her "No" answer to Background Question No. 1, in light of the disorderly conduct case and the North Carolina arrest warrant.

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[1] § 723.4, Iowa Criminal Code. *County of Story v. Letitia S. Wright*, Story County Dist. Ct. (IA), No. 09-22731.
[2] *State of North Carolina v. Leticia* [sic] *Shanece Wright*, General Court of Justice, District Court Division, Onslow County (NC), No. 04CR 054795.

14. Crutchfield mailed the March 14, 2013 letter by regular U.S. mail, to Wright's address of record, with sufficient postage attached, and also sent a copy by certified mail.

15. The copy sent by certified mail was signed for and claimed, but the signature on the Form 3811 "Green Card" appears not to be Wright's signature.

16. The copy sent by regular U.S. mail was not returned as undeliverable.

17. Wright did not respond to the March 14, 2013 letter and has offered no justification for her failure to respond.

18. On April 5, Crutchfield sent an inquiry to Wright at her email address of record, but that email was returned as undeliverable.

19. Also on April 5, 2013, Crutchfield spoke by phone to Wright and explained the need for Wright to adequately respond to her inquiries. Wright stated that she had not disclosed her criminal history because she did not believe it contained a conviction. Crutchfield explained that Background Question No. 1 called for disclosure of criminal history besides convictions. Wright stated that she had given information on her criminal history to someone in Human Resources at her then-employer and was advised she didn't need to disclose it in her Application. In a subsequent voicemail, Crutchfield advised Wright that she was responsible for ensuring that the documents were sent and that she should send the documents directly.

20. On April 22, 2013, Crutchfield mailed a third inquiry letter to Wright requesting an explanation of her "No" answer to Background Question No. 1, in light of her disorderly conduct case and the North Carolina arrest warrant.

21. Crutchfield mailed the April 22, 2013 letter by regular U.S. mail, to Wright's address of record, with sufficient postage attached.

22. The April 22, 2013 letter was not returned as undeliverable.

23. Wright did not respond to the April 22, 2013 letter and has offered no justification for her failure to respond.

24. On April 29, Wright left Crutchfield a voicemail message stating that she had a new employer and no longer needed a motor vehicle extended service contract producer license. Wright again stated that she had relied on the Human Resources employee to provide information to Crutchfield.

25. On May 15, 2013, still having received no written response to any of her inquiries, Crutchfield left a voicemail for Wright offering her the opportunity to withdraw her Application. Wright did not contact Crutchfield further.

CONCLUSIONS OF LAW

26. 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:
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> * * *
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> (2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director[.]

27. Regulation 20 CSR 100-4.100(2) states:

> (2) Except as required under subsection (2)(B)—
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> (A) 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.
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> (B) This rule shall not apply to any other statute or regulation which requires a different time period for a person to respond to an inquiry by the department. If another statute or regulation requires a shorter response time, the shorter response time shall be met. This regulation operates only in the absence of any other applicable laws.

28. Regulation 20 CSR 100-4.010(1)(A) defines "adequate response," including for purposes of 20 CSR 100-4.100(2), as:

> [A] written response answering each inquiry with reasonable specificity. A person's acknowledgment of the division's inquiry is not an adequate response.

29. 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.

30. Wright may be refused a motor vehicle extended service contract producer license under § 385.209.1(2) because she violated a rule of the Director, in that she failed to adequately respond to three written inquiries from the Consumer Affairs Division—on February 20, March 14, and April 22, 2013—without demonstrating reasonable justification for any of her failures to respond, each time thereby violating regulation 20 CSR 100-4.100(2), which is a rule of the Director.

31. The Director has considered Wright's history and all of the circumstances surrounding Wright's Application. Granting Wright 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 Wright.

32. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Letitia S. Wright** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 22ND **DAY OF** JULY**, 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 24 day of July, 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:

Letitia S. Wright
11974 Sagunto Terrace
Spanish Lake, Missouri 63138

Certified No. 7009 3410 0001 9255 1179

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