State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
Raymond W. Lord, II,	)	**Case No. 12-0202127C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On March 13, 2012, 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 Raymond W. Lord, 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. Raymond W. Lord, II, ("Lord") is a Missouri resident with a residential address of 1938 Williamstown Drive, St. Peters, Missouri 63376.

2. On December 2, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Lord'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. Lord marked "Yes" to Question No. 1 and disclosed the following felony convictions:

   a. On April 16, 2007, Lord pled guilty to the Class C felony of passing bad checks, in violation of § 570.120. The Court suspended the imposition of sentence and placed Lord on five years' probation. On May 19, 2008, the court revoked Lord's probation and sentenced Lord to three years' confinement. The court suspended the execution of the sentence, placed Lord on five years' probation, and ordered 35 days shock time and restitution. Lord is still on supervised probation. *State v. Raymond W. Lord*, St. Charles Co. Cir. Ct. No. 0611-CR02360-01.

b. On July 10, 2008, Lord pled guilty to the Class C felony of Theft/Stealing (Value of Property or Services is $500 or More But Less than $25,000), in violation of §570.030. The court sentenced Lord to five years' incarceration, but suspended the execution of the sentence and placed Lord on supervised probation for three years, 30 days shock time, and ordered 100 hours of community service. *State v. Raymond W. Lord,* St. Louis Co. Cir. Ct. No. 07SL-CR05936-01.

CONCLUSIONS OF LAW

5. Section 385.209 RSMo (Supp. 2011) 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:
>
> * * *
>
> (5) Been convicted of any felony[.]

6. 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.

7. Lord may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of two felonies. Each felony is a separate and sufficient ground to refuse his license Application:

   a. *State v. Raymond W. Lord*, St. Charles Co. Cir. Ct. No. 0611-CR02360-01 (Class C felony of passing bad checks, in violation of § 570.120).

   b. *State v. Raymond W. Lord,* St. Louis Co. Cir. Ct. No. 07SL-CR05936-01 (Class C felony of Theft/Stealing (Value of Property or Services is $500 or More But Less than $25,000) in violation of § 570.030).

8. Lord has been convicted of two felonies, both of which involved theft and dishonesty. Either felony is a sufficient ground to refuse Lord a MVESC license. Granting Lord a MVESC producer license would not be in the interest of the public.

9. The Director has considered Lord's history and all of the circumstances surrounding his application. Granting Lord a motor vehicle service contract producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse Lord's motor vehicle extended service contract producer license.

10. The order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service producer license application of **Raymond W. Lord, II,** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 14TH DAY OF MARCH, 2012.

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 14th day of March, 2012 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:

Raymond W. Lord, II
1938 Williamstown Drive
St. Peters, Missouri 63376

Certified No. 7009 3410 0001 8931 2677

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