State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
PATRICK M. BAY,	)	**Case No. 190731**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On June 21, 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 Patrick M. Bay. 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. Patrick M. Bay ("Bay") is a Missouri resident with a residential address of record of 3 Aldesan Court, St. Peters, Missouri 63376.

2. On March 26, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Bay'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 judgment withheld or deferred, or are you currently charged with committing a crime?

4. Bay marked "Yes" to Question No. 1.

5. Bay attached to his Application court records showing that he was convicted in the Circuit Court of St. Charles County of two felonies:

   a. On or about July 23, 2008, Bay pled guilty to the Class D Felony of Sexual

Misconduct Involving a Child.[1] The court sentenced Bay to four years' imprisonment, but suspended execution of the sentence;

b. On or about August 8, 2008, Bay pled guilty to the Class C Felony of Endangering the Welfare of a Child in the First Degree.[2] The court suspended imposition of sentence and placed Bay on probation for five years;

c. On or about January 7, 2009, the court revoked Bay's probation in the Endangering the Welfare of a Child case and sentenced Bay to four years' imprisonment, to run concurrently with the sentence in the Sexual Misconduct Involving a Child case;

d. On or about January 14, 2009, the court revoked Bay's probation in the Sexual Misconduct with a Child case and executed the sentence to run concurrently with the sentence in the Endangering the Welfare of a Child case.

6. Bay also attached to his Application a written statement concerning his criminal history in which he disclaimed any meaningful culpability in the offenses to which he pled guilty.

CONCLUSIONS OF LAW

7. 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:
>
> * * *
>
> (5) Been convicted of any felony[.]

8. 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.

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[1] A violation of § 566.083, RSMo. *State of Missouri v. Patrick Michael Bay*, St. Charles Co. Cir. Ct., No. 0811-CR02915.

[2] A violation of § 568.045, RSMo. *State of Missouri v. Patrick Michael Bay*, St. Charles Co. Cir. Ct., No. 0611-CR08891-01.

9. Bay 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:

   a. *State of Missouri v. Patrick Michael Bay*, St. Charles Co. Cir. Ct., No. 0611-CR08891-01 (Endangering the Welfare of a Child in the First Degree, a Class C Felony in violation of § 568.045, RSMo).

   b. *State of Missouri v. Patrick Michael Bay*, St. Charles Co. Cir. Ct., No. 0811-CR02915 (Sexual Misconduct Involving a Child, a Class D Felony in violation of § 566.083, RSMo).

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

11. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Patrick M. Bay** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 24th **DAY OF** June**, 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 June, 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:

Patrick M. Bay
3 Aldesan Court
St. Peters, Missouri 63376

Certified No. 7009 3410 0001 9255 0943

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