State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
Cameron Travis Penn,	)	**Case No. 12-0215185C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On May 24, 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 Cameron Travis Penn. 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. Cameron Travis Penn, ("Penn") is a Missouri resident with a residential address of 1076 Town and Four Parkway Dr., Creve Coeur, Missouri 63141.

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

   a. Class B Felony of Burglary in the 2nd Degree – *State of Missouri v. Cameron T. Penn*, St. Louis Co. Cir. Ct., No. 2103R-03218C-01; and

   b. Class C Felony of Endangering the Welfare of a Child in the 1st Degree – *State of Missouri v. Cameron Travis Penn*, St. Charles Co. Cir. Ct., No. 1011-CR06021.

5. On July 1, 2003, Penn was charged with one count of the Class B Felony of Burglary in the 2nd Degree, in violation of § 569.020, RSMo, and one count of the felony of Armed Criminal Action, in violation of § 571.015, RSMo. The Complaint alleged that Penn and others, "acting together, forcibly stole U.S. currency in the possession of Matthew Bierman" and that Penn and others, "acting together, knowingly committed the foregoing felony of robbery in the first degree by, with and through the use, assistance and aid of a deadly weapon." *State v. Penn*, St. Louis Co. Cir. Ct., No. 2103R-03218C-01.

6. On January 9, 2004, Penn pled guilty to the Class B Felony of Burglary in the 2nd Degree, in violation of § 569.020, RSMo. The Court sentenced Penn to the custody of the Missouri Department of Corrections (MO DOC) for a period of five years. It ordered Penn to serve "90 days shock incarceration," but suspended the execution of the remainder of Penn's sentence and placed Penn on five years' supervised probation. On May 6, 2009, the court entered an order terminating Penn's probation and releasing him from custody. *State v. Penn*, St. Louis Co. Cir. Ct., No. 2103R-03218C-01.

7. On August 15, 2011, Penn was charged with the Class B Felony of Endangering the Welfare of a Child in the 1st Degree, in violation of § 568.045, RSMo. The Substitute Information in Lieu of Indictment alleged the following:

> That [Penn] knowingly acted in a manner that created a substantial risk to the life of Cameron Penn Jr., a child less than seventeen years old, by leaving his 10 months old son home alone without making sure his cigarette was completely extinguished when it actually was left smoldering, and he left home to smoke marijuana and drink beer at a neighbor's house for at least 45 minutes, and the smoldering cigarette caught the residence on fire which caused the death of his son by acute carbon monoxide poisoning.

State v. Penn, St. Charles Co. Cir. Ct., No. 1011-CR06021.

8. On August 15, 2011, Penn pled guilty to the Class C felony of Endangering the Welfare of a Child in the 1st Degree, in violation of § 568.045, RSMo. The court sentenced Penn to five years' incarceration, but suspended the execution of the sentence and placed Penn on supervised probation for five years, and 60 days shock incarceration. *State v. Penn*, St. Charles Co. Cir. Ct., No. 1011-CR06021.

CONCLUSIONS OF LAW

9. 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[.]

10. 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.

11. Penn 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. Class B Felony of Burglary in the 2nd Degree – *State v. Penn*, St. Louis Co. Cir. Ct., No. 2103R-03218C-01; and

    b. Class C Felony of Endangering the Welfare of a Child in the 1st Degree – *State v. Penn*, St. Charles Co. Cir. Ct., No. 1011-CR06021.

12. Penn has been convicted of two felonies. Either felony is a sufficient ground to refuse Penn a MVESC license. Granting Penn a MVESC producer license would not be in the interest of the public. For all of the reasons given in this Petition, the Director should consider Penn's history and all of the circumstances surrounding Penn's Application and exercise his discretion to refuse Penn's motor vehicle extended service contract producer license.

13. The order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service producer license application of **Cameron Travis Penn,** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 7TH **DAY OF** JUNE**, 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 8th day of June, 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 addresses:

Cameron Travis Penn
1076 Town and Four Parkway Dr.
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