



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

Korey L. Rush,

Applicant.

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Case No. 12-0606430C

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

On July 17, 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 Korey L. Rush. 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. Korey L. Rush ("Rush") is an Illinois resident with a residential address of 149 Wild Rose Dr., Belleville, Illinois 62221.
2. On or about February 2, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Rush'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. Rush marked "Yes" to Question No. 1, and disclosed the following felony convictions:
 - a. On January 22, 2010, Rush pleaded guilty to the Class C Felony of Wire Fraud, in violation of 18 U.S.C. §§ 1343 and 1346. *United States of America v. Korey L. Rush*, Case No. 09-30054-DRH (S.D. Ill. 2010).
 - b. On January 22, 2010, Rush pleaded guilty to the Class C Felony of Misapplication of Funds from Programs Receiving Federal Funds, in violation of 18 U.S.C. § 666. *United States of America v. Korey L. Rush*, Case No. 09-30054-DRH (S.D. Ill. 2010).
 - c. On January 22, 2010, Rush pleaded guilty to the Class C Felony of Obstruction of

Justice by Tampering with a Witness, in violation of 18 U.S.C. § 1512(b)(3). *United States of America v. Korey L. Rush*, Case No. 09-30054-DRH (S.D. Ill. 2010).

- d. The court sentenced Rush to a total term of 33 months in the custody of the United States Bureau of Prisons on each of the three counts above, all to run concurrently. *United States of America v. Korey L. Rush*, Case No. 09-30054-DRH (S.D. Ill. 2010).
5. During its investigation, the Consumer Affairs Division discovered the following convictions that Rush failed to disclose:
- a. On or about April 27, 2004, Rush pleaded guilty to the Class A Misdemeanor of Reckless Conduct, in violation of 720 ILCS 5/12-5. Rush did not disclose this conviction on his Application. *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 04DT0000400.
 - b. On or about December 23, 2009, Rush pleaded guilty to the Class B Misdemeanor of Criminal Trespass to Land, in violation of 720 ILCS 5/21-3(a)(2). Rush did not disclose this conviction on his Application. *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 09CM0007024.
 - c. On or about January 12, 2010, the St. Clair County Court found Rush guilty of the Class A Misdemeanor of Battery, in violation of 720 ILCS 5/12-3(a)(1). Rush did not disclose this conviction on his Application. *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 09CM0003749.
 - d. On or about January 12, 2010, the St. Clair County Court found Rush guilty of the Class A Misdemeanor of Retail Theft, in violation of 720 ILCS 5/16A-3(a). Rush did not disclose this conviction on his Application. *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 09CM0003750.
 - e. On or about February 18, 2010, Rush pleaded guilty to the Class A Misdemeanor of Battery, in violation of 720 ILCS 5/12-3(a)(1). Rush did not disclose this conviction on his Application. *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 08CM0006487.
 - f. On or about January 18, 2012, Rush pleaded guilty to the Class B Misdemeanor of Criminal Trespass to Land, in violation of 720 ILCS 5/21-3(a)(2). Rush did not disclose this conviction on his Application. *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 11CM0007500.

CONCLUSIONS OF LAW

6. Section 385.209 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. 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.
8. "A plea of guilty is an admission as to the facts alleged in the information." *Wallace v. State*, 308 S.W.3d 283, 286-87 (Mo. App. S.D. 2010) (internal citation omitted).
9. Rush may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(3) because he attempted to obtain a license through material misrepresentation or fraud.
 - a. Rush failed to disclose six (6) different misdemeanor convictions in St. Clair County, Illinois on his Application. *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 04DT0000400; *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 09CM0007024; *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 09CM0003749; *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 09CM0003750; *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 08CM0006487; *State of Illinois v. Korey L. Rush*, St. Clair County Court, No. 11CM0007500.
 - b. By failing to disclose six (6) misdemeanor convictions in Illinois on his Application, Rush materially misrepresented his criminal background in his attempt to obtain a license.
10. Rush may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of three (3) felonies. *United States of America v. Korey L. Rush*, Case No. 09-30054-DRH (S.D. Ill. 2010) (Class C Felonies in

violation of 18 USC §§ 666, 1343, and 1512(b)(3)).

11. Granting Rush a motor vehicle extended service contract producer license would not be in the interest of the public. For all of the reasons given in this Order, the Director has considered Rush's history and all of the circumstances surrounding Rush's Application and exercises his discretion to refuse Rush's motor vehicle extended service contract producer license.
12. The Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Korey L. Rush** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 19th DAY OF JULY, 2012.




JOHN M. HUFF
DIRECTOR

NOTICE

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

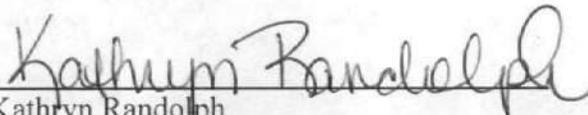
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 24th day of July, 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:

Korey L. Rush
149 Wild Rose Dr.
Belleville, IL 62221

Certified No. 7009 3410 0001 8931 3438



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