State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
STEVEN RONALD DENNIS,	)	**Case No. 140528486C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On December 29, 2014, 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 Steven Ronald Dennis. 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. Steven Ronald Dennis ("Dennis") is a Missouri resident with a residential address of 824 Prairie Sky Way, O'Fallon, Missouri 63368.

2. On April 7, 2014, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Dennis's "Application for Motor Vehicle Extended Service Contract Producer License" ("Application").

3. The "Applicant's Certification and Attestation" section of the Application provides, in relevant part:

   1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

4. Dennis accepted the "Applicant's Certification and Attestation" section by signing the Application under oath and before a notary public.

5. Background Question No. 7 of the Application asks the following:

Do you currently have or have you had a child support obligation?

If you answer yes:

a) are you in arrearage?
b) by how many months are you in arrearage? _____ months
c) what is the total amount of your arrearage? _____
d) are you currently subject to a repayment agreement to cure the arrearage? (If you answer yes, provide documentation showing an approved repayment plan from the appropriate state child support agency.)
e) are you in compliance with said repayment agreement? (If you answer yes, provide documentation showing proof of current payments from the appropriate state child support agency.)
f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)
g) have you ever been convicted of a misdemeanor or felony for failure to pay child support?

6. In response to Background Question No. 7, Dennis answered that he does have a child support obligation that is eleven (11) years in arrearage totaling more than $67,000.00, that he is currently subject to but not in compliance with a repayment agreement, that he is not the subject of a child support related subpoena/warrant, and that he has not been convicted of a misdemeanor or felony for failure to pay child support.

7. Dennis submitted a letter dated April 4, 2014 with his Application to further explain his response to Background Question No. 7. In the letter, Dennis disclosed that he owes child support in Arizona and that child support is deducted from his paychecks from time to time when he obtains new employment. In his letter, Dennis also states that he has a court ordered payment agreement that satisfies both parties.

8. Dennis attached to his Application a print-out from the Arizona Division of Child Support Enforcement website showing that he owed $73,152.71 in arrears as of April 4, 2014 and that his last payment occurred on June 4, 2013 in the amount of $116.55.

9. Dennis also attached to his Application an "Order/Notice to Withhold Income for Child Support" dated April 8, 2009 in which $503.66 was to be withheld from Dennis's monthly paycheck.

10. To further explain his child support obligation, Dennis submitted a second letter dated April 23, 2014 to the Department, in which he stated that after terminating his relationship with the child's mother, child support began to be deducted from his paychecks shortly thereafter. Dennis stated, in relevant part:

I called [the Arizona Department of Economic Security] and was informed that I was named the father of [B.R.]'s son, [S.R.], who was born in the summer of 2000. I was told that because I did not respond within 30 days to a letter that was sent to my last known address, they assumed I was not contesting fatherhood to this child. Unfortunately, I had never received the letter.

* * *

...I inquired about a paternity test, as I was not convinced I was the father. I was told it was too late for that since I did not respond to the initial letter I received.

11. After reviewing Dennis's Application and the additional documents he provided, Special Investigator Andrew Engler with the Consumer Affairs Division ("Division") sent an inquiry letter to Dennis dated July 8, 2014. Said inquiry letter requested additional information and documentation about Dennis's child support obligation, namely the original court order that imposed the child support obligation, any order showing the payment amount had been changed, the current payment agreement referenced in Dennis's April 4, 2014 letter, and an updated print-out from the Arizona Division of Child Support Enforcement website showing the current amount of arrears.

12. On July 28, 2014, the Division received a letter from Dennis to which he attached a print-out from the Arizona Division of Child Support Enforcement website showing that he owes $75,393.76 in arrears as of July 20, 2014 and the date of his last payment was unchanged. Dennis failed to provide the remaining requested documentation.

13. After Dennis's failure to provide all of the requested documentation, Special Investigator Engler sent a second inquiry letter to Dennis dated September 8, 2014. Said inquiry letter requested additional documentation about Dennis's child support obligation. The inquiry later also requested that Dennis complete and return to the Department an "Authorization to Release Information" form so that the Division could verify his arrearage and payment history. The inquiry letter further requested a response by September 28, 2014, and warned Dennis that a failure to respond could result in refusal of his motor vehicle extended service contract ("MVESC") producer license.

14. The United States Postal Service did not return the September 8, 2014 inquiry letter to the Division, and therefore it is presumed delivered.

15. Dennis failed to provide any written response to the Division's September 8, 2014 inquiry letter by September 28, 2014, and failed to demonstrate a reasonable justification for the delay.

CONCLUSIONS OF LAW

16. Section 385.209 RSMo (Supp. 2014)[1] provides, in relevant 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:
>
> * * *
>
> (2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director; [or]
>
> * * *
>
> (12) Failed to comply with an administrative or court order imposing a child support obligation[.]

17. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, provides:

> 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.

18. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. 2000) (internal citations omitted).

19. 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 MVESC producer license, but to protect the public.

20. The Director may refuse to issue a MVESC producer license to Dennis under § 385.209.1(2) because Dennis failed to respond to the Division's September 8, 2014 inquiry letter and failed to provide a reasonable justification for the delay, thereby

[1] All statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2014 Supplement, unless otherwise indicated.

violating 20 CSR 100-4.100(2)(A), a Department regulation.

21. The Director may refuse to issue a MVESC producer license to Dennis under § 385.209.1(12) because Dennis has failed to comply with an administrative or court order imposing a child support obligation and, as a result, owes $75,393.76 in total arrears as of July 20, 2014. *In re: Steven R. Dennis and Brenda L. Reece*, Maricopa Co., Case No. 000516511100 (*See* Support Order No. DR2000015699 entered Jan. 1, 2001

22. The Director has considered Dennis's history and all of the circumstances surrounding Dennis's Application. Granting Dennis a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a MVESC producer license to Dennis.

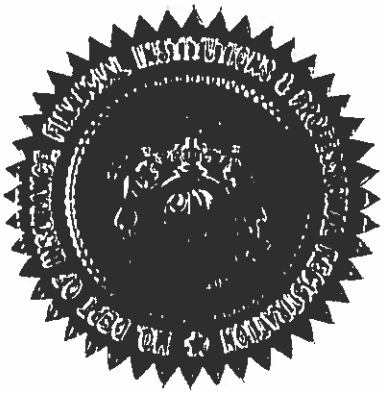
23. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Steven Ronald Dennis** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 29th **DAY OF** December, 2014.



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 1st day of January, 2015, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following addresses:

Steven Ronald Dennis
824 Prairie Sky Way
O'Fallon, Missouri 63368

Tracking No. 1Z0R15W84292118698

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