



## State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION

IN RE:

TRAVIS LEE COX,

Applicant.

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Case No. 140707541C

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

On July 28, 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 Travis Lee Cox. 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. Travis Lee Cox ("Cox") is a Missouri resident with a residential address of 910 Jefferson Street, Washington, Missouri 63090.
2. On March 28, 2014, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Cox's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "Attestation" section of the Application, states, 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. Cox accepted the "Attestation" section by signing the Application before a notary.

5. Background Question No. 1 of the Application asks the following, in relevant part:

Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile conviction.

"Convicted" includes, but is not limited to, have been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence – sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

6. Cox answered "No" in response to Background Question No. 1.
7. Contrary to Cox's answer to Background Question No. 1, the Consumer Affairs Division's ("Division") investigation of Cox's Application revealed the following misdemeanor convictions:
- a. On June 22, 2000, Cox was charged with Assault 3rd Degree, a Class A Misdemeanor, in violation of § 565.070. On February 1, 2001 Cox pled guilty to and was convicted of the lesser offense of Peace Disturbance, First Offense, a Class B Misdemeanor, in violation of § 574.010. The court fined Cox in the amount of \$250.00. *State v. Travis Lee Cox*, Boone Co. Cir. Ct., Case No. 13R010070506.
  - b. On November 27, 2007, Cox pled guilty to and was convicted of Peace Disturbance, First Offense, a Class B Misdemeanor, in violation of § 574.010. The court fined Cox in the amount of \$100.00. *State v. Travis Lee Cox*, Boone Co. Cir. Ct., Case No. 07BA-CR03907.
  - c. On January 19, 2010, Cox pled guilty to and was convicted of Theft/Stealing (Value Of Property Or Services Is Less Than \$500), a Class A Misdemeanor, in

violation of § 570.030. The court sentenced Cox to thirty (30) days' incarceration. *State v. Travis Lee Cox*, Boone Co. Cir. Ct., Case No. 09BA-CR04871.

8. On April 11, 2014 Special Investigator Andrew Engler ("Engler"), with the Division, sent an inquiry letter to Cox. The inquiry letter requested documentation and additional information surrounding Cox's convictions. Engler warned Cox that a failure to respond by May 1, 2014 could result in refusal of his Application for a motor vehicle extended service contract ("MVESC") producer license.
9. The April 11, 2014 inquiry letter was not returned as undeliverable, and therefore is presumed received by Cox.
10. Cox never responded to the April 11, 2014 inquiry letter and has not demonstrated a reasonable justification for his failure to respond.
11. On May 1, 2014, Engler mailed a second inquiry letter to Cox. The letter requested substantially the same information as previously requested and a response by May 21, 2014. Again, the inquiry letter warned Cox that failure to respond could result in refusal of his Application for a MVESC producer license.
12. The May 1, 2014 inquiry letter was not returned as undeliverable, and therefore is presumed received by Cox.
13. Cox never responded to the May 1, 2014 inquiry letter and has not demonstrated a reasonable justification for his failure to respond.

#### CONCLUSIONS OF LAW

14. Section 385.209 RSMo. (Supp. 2013) 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:

\* \* \*

    - (2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director;
    - (3) Obtained or attempted to obtain a license through material misrepresentation or fraud[.]
15. 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.

16. "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).
17. 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.
18. The Director may refuse to issue a MVESC producer license to Cox under § 385.209.1(2) because Cox failed to adequately respond to two (2) inquiry letters from the Division and failed to provide a reasonable justification for the delay, thereby violating 20 CSR 100-4.100(2)(A), a department regulation.
19. Each failure to provide an adequate response to the Division or failure to provide a reasonable justification for the delay is a separate and sufficient cause for refusal pursuant to § 385.209.1(2).
20. The Director may refuse to issue a MVESC producer license to Cox under § 385.209.1(3) because Cox attempted to obtain a MVESC producer license through material misrepresentation or fraud by failing to disclose the following misdemeanor convictions on his Application:
  - a. *State v. Travis Lee Cox*, Boone Co. Cir. Ct., Case No. 13R010070506 (Peace Disturbance, First Offense, a Class B Misdemeanor, in violation of § 574.010);
  - b. *State v. Travis Lee Cox*, Boone Co. Cir. Ct., Case No. 07BA-CR03907 (Peace Disturbance, First Offense, a Class B Misdemeanor, in violation of § 574.010); and
  - c. *State v. Travis Lee Cox*, Boone Co. Cir. Ct., Case No. 09BA-CR04871 (Theft/Stealing (Value Of Property Or Services Is Less Than \$500), a Class A Misdemeanor, in violation of § 570.030).
21. Each failure to disclose a conviction is a separate and sufficient ground for refusal

pursuant to § 385.209.1(3).

22. Cox failed to disclose his misdemeanor convictions in order to misrepresent his criminal history to the Director, and, accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.
23. The above described instances are grounds upon which the Director may refuse to issue a MVESC producer license to Cox. Issuing Cox a MVESC producer license would not be in the interest of the public. The Director has considered Cox's history and all of the circumstances surrounding Cox's Application and exercises his discretion to refuse to issue a MVESC producer license to Cox.
24. This order refusing to issue a MVESC producer license to Cox is in the public interest.

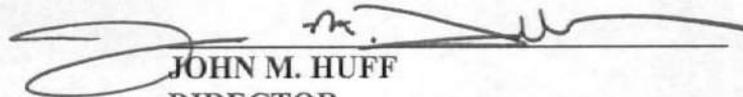
**ORDER**

**IT IS THEREFORE ORDERED** that the Motor Vehicle Extended Service Contract Producer License Application of **Travis Lee Cox** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 6<sup>TH</sup> DAY OF AUGUST, 2014.



  
**JOHN M. HUFF**  
**DIRECTOR**

NOTICE

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

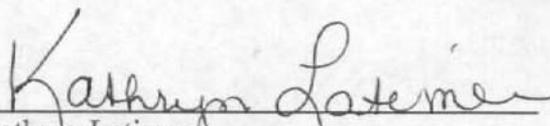
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 7th day of August, 2014 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Travis Lee Cox  
910 Jefferson Street  
Washington, Missouri 63090

Tracking No. 1Z0R15W84299660571

  
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