



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

TIMOTHY SHANE RAMSEY,

Applicant.

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Case No. 141110729C

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On February 13, 2015, 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 Timothy Shane Ramsey. 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. Timothy Shane Ramsey ("Ramsey") is a Missouri resident with a residential address of 20 Log Cabin Lane, Troy, Missouri 63379.
2. On September 30, 2014, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Ramsey's completed Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "Applicant's Certification and 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. Ramsey accepted the "Applicant's Certification and Attestation" section by signing

the Application under oath and before a notary public.

5. Background Question No. 1 of the Application asks the following:

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 convictions.

“Convicted” includes, but is not limited to, having 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 is 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.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

6. Ramsey initially answered “Yes” in response to Background Question No. 1, before crossing out his first answer and amending it to “No.” In a letter attached to his Application, Ramsey stated:

I am writing this letter because I corrected question number one. I miss read [sic] the question and have corrected it now. I have SIS for a DUI which is excluded. Please correct this and make the necessary adjustments.

7. Case.net¹ appears to confirm that Ramsey pled guilty to Driving While Revoked/Suspended, an unclassified Misdemeanor, in violation of § 302.321 RSMo and DWI-Alcohol, a Class B Misdemeanor, in violation of § 577.010 RSMo. The court, on August 6, 2013, suspended the imposition of sentence on both misdemeanors. *State v. Timothy S. Ramsey*, Phelps Co. Cir. Ct., Case No. 13PH-CR00553. However, on October 14, 2014, the court suspended Ramsey's probation and issued a warrant.

8. 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?

9. Ramsey answered that he does have a child support obligation, that he is twelve (12) months in arrearage, that the total amount of arrearage is \$12,279.00, that he is currently subject to and 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.

10. Ramsey failed to provide any documentation with his Application to support his answer to Background Question No. 7.

11. During its investigation, the Consumer Affairs Division ("Division") discovered the following criminal history that Ramsey failed to disclose on his Application:

¹ Case.net is the Missouri Judiciary's case information portal that allows Internet access to cases filed in Missouri that have been deemed public information.

- a. On August 14, 2001, Ramsey pled guilty to one (1) count of Purchase/Attempt to Purchase or Possession of Liquor by Minor, an unclassified Misdemeanor, in violation of § 311.325 RSMo. The court fined Ramsey \$200.00. *State v. Timothy S. Ramsey*, Phelps Co. Cir. Ct., Case No. 25R03011107M.
 - b. On May 27, 2003, Ramsey pled guilty to one (1) count of Passing a Bad Check, a Class A Misdemeanor, in violation of § 570.120 RSMo. The court fined Ramsey \$50.00. *State v. Timothy S. Ramsey*, Phelps Co. Cir. Ct., Case No. 25R03030416M.
 - c. On December 14, 2009, Ramsey pled guilty to one (1) count of Pursuing/Taking/Killed/Possessed Or Disposed Of Wildlife Illegally, a Class A Misdemeanor, in violation of § 252.040 RSMo. The court fined Ramsey \$74.50. *State v. Timothy S. Ramsey*, Crawford Co. Cir. Ct., Case No. 295660.
 - d. On March 1, 2010, Ramsey pled guilty to one (1) count of Domestic Assault in the 3rd Degree, a Class A Misdemeanor, in violation of § 565.074 RSMo. The court suspended the imposition of sentence, ordered Ramsey to pay \$300.00 in restitution and to attend Veracity classes, and placed him on two (2) years' supervised probation. *State v. Timothy S. Ramsey*, Phelps Co. Cir. Ct., Case No. 08PH-CR01243.
 - e. On October 22, 2013, Ramsey pled guilty to one (1) count of Non-Support, Total Arrears In Excess Of 12 Monthly Payments Due Under Order Of Support, a Class D Felony, in violation of § 568.040 RSMo. The court suspended the imposition of sentence, ordered that Ramsey complete the REACT program, and placed him on five (5) years' supervised probation. *State v. Timothy S. Ramsey*, Phelps Co. Cir. Ct., Case No. 12CF-CR01382-01.
12. On October 2, 2014, after reviewing Ramsey's Application, his criminal record, and his child support history, Special Investigator Andrew Engler of the Division sent an inquiry letter to Ramsey. Said inquiry letter requested an explanation for Ramsey's failure to disclose his criminal history as well as documentation about Ramsey's criminal history and child support obligation.
 13. On October 28, 2014, the Department received a letter from Ramsey in which he admitted his criminal history, but did not explain why he failed to disclose it on his Application. Ramsey attached to this letter his child support payment history.
 14. Contrary to Ramsey's statement on his Application, he did not owe \$12,279.00 in child support arrearage, but instead owed \$20,256.81 as of the date he signed his Application. Ramsey currently owes \$22,820.73 in child support arrearage. *Shannon M. Ramsey v. Timothy S. Ramsey*, Crawford Co. Cir. Ct., Case No. 10CF-DR00153

(see also *Shannon Michelle Ramsey v. Timothy Shane Ramsey*, Crawford Co. Cir. Ct., Case No. 11CF-AD00008).

15. It is inferable, and is hereby found as fact, that Ramsey failed to disclose his full criminal history on his Application in order to misrepresent and minimize 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 motor vehicle extended service contract ("MVESC") producer license. The letter that Ramsey attached to his Application regarding the correction he made demonstrates that Ramsey understood what disclosures were required in response to Background Question No. 1.
16. It is also inferable, and is hereby found as fact, that Ramsey misrepresented the true amount of his child support arrearage on his Application in order to misrepresent to the Director his child support obligation, and accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.

CONCLUSIONS OF LAW

17. Section 385.209 RSMo (Supp. 2013)² states, 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:

* * *

- (3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

* * *

- (12) Failed to comply with an administrative or court order imposing a child support obligation[.]

18. 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

² All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement, unless otherwise indicated.

applicants for a MVESC producer license, but to protect the public.

19. The Director may refuse to issue a MVESC producer license to Ramsey under § 385.209.1(3) because Ramsey attempted to obtain a MVESC producer license through material misrepresentation or fraud in that he failed to disclose the following criminal history on his Application:
 - a. *State v. Timothy S. Ramsey*, Phelps Co. Cir. Ct., Case No. 25R03011107M (Purchase/Attempt to Purchase or Possession of Liquor by Minor, an unclassified Misdemeanor);
 - b. *State v. Timothy S. Ramsey*, Phelps Co. Cir. Ct., Case No. 25R03030416M (Passing a Bad Check, a Class A Misdemeanor);
 - c. *State v. Timothy S. Ramsey*, Crawford Co. Cir. Ct., Case No. 295660 (Pursuing/Taking/Killed/Possessed Or Disposed Of Wildlife Illegally, a Class A Misdemeanor);
 - d. *State v. Timothy S. Ramsey*, Phelps Co. Cir. Ct., Case No. 08PH-CR01243 (Suspended imposition of sentence for Domestic Assault in the 3rd Degree, a Class A Misdemeanor); and
 - e. *State v. Timothy S. Ramsey*, Phelps Co. Cir. Ct., Case No. 12CF-CR01382-01 (Suspended imposition of sentence for Non-Support, Total Arrears In Excess Of 12 Monthly Payments Due Under Order Of Support, a Class D Felony).
20. The Director may refuse to issue a MVESC producer license to Ramsey under § 385.209.1(3) because Ramsey attempted to obtain a MVESC producer license through material misrepresentation or fraud in that he underreported the amount of child support arrearage he owes by stating on his Application that he owed \$12,279.00, when in fact, his arrearage totaled more than \$20,000.00.
21. Each instance in which Ramsey attempted to obtain a MVESC producer license through material misrepresentation or fraud is a separate and sufficient cause for refusal under § 385.209.1(3).
22. The Director may refuse to issue a MVESC producer license to Ramsey under § 385.209.1(12) because Ramsey has failed to comply with an administrative or court order imposing a child support obligation in that he currently owes \$22,820.73 in child support arrearage and owed \$20,256.81 at the time of his Application. *Shannon M. Ramsey v. Timothy S. Ramsey*, Crawford Co. Cir. Ct., Case No. 10CF-DR00153.
23. The Director has considered Ramsey's history and all of the circumstances surrounding Ramsey's Application. Granting Ramsey 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 Ramsey.

24. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Timothy Shane Ramsey** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 19TH DAY OF FEBRUARY, 2015.




JOHN M. HUFF
DIRECTOR

NOTICE

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

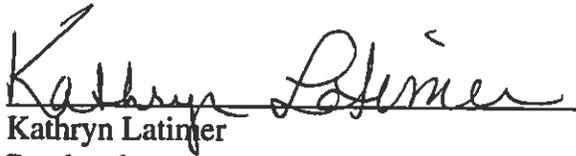
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 20th day of February, 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:

Timothy Shane Ramsey
20 Log Cabin Lane
Troy, Missouri 63379

Tracking No. 1Z0R15W84291218822


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