



DEPARTMENT OF COMMERCE AND INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

IN RE:)	
)	
ALICIA M. DAVIS,)	Case No. 2203180338C
)	
Applicant.)	

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up this matter for consideration and disposition. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues these findings of fact, conclusions of law, and order:

STATEMENT OF FACTS

1. Alicia M. Davis (“Davis”), is a Missouri resident with a reported residential, mailing and business address of 1102 Ashford Place Drive, O’Fallon, Missouri 63366. Her reported email address is aliciamariedavis3@gmail.com.
2. On December 21, 2021, the Department of Commerce and Insurance (“Department”) received Davis’ “Application for Motor Vehicle Extended Service Contract Producer License” (“2021 Application”).
3. Previously, on February 7, 2012, Davis submitted an Application for a Motor Vehicle Extended Service Contract Producer License (“2012 Application”). The Department issued Davis a Motor Vehicle Extended Service Contract (“MVESC”) Producer License on March 14, 2012, which MVESC producer license expired March 14, 2014.

4. Also previously, on February 4, 2019, the Department received Davis' application for an MVESC license ("2019 Application"). On August 15, 2019, the Director of the Department issued her Order Refusing to Issue a Motor Vehicle Extended Service Contract Producer License to Davis, citing as grounds § 385.209.1(1), (3) and (5)¹ ("Refusal Order"). Davis did not accept her copy of the Refusal Order sent certified mail. United Parcel Service was unable to serve her. However, her copy of the Refusal Order sent by first class mail, postage pre-paid to the address she reported on her 2019 Application was not returned by the U.S. Postal Service as undeliverable, and therefore Davis is presumed to have received it. Davis did not appeal the Refusal Order.

5. Background Question No. 1 on the 2012 Application asks:

Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony or military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. "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, or having been given probation, a suspended sentence or a fine.

"Had a judgement 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").

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

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

6. Davis answered "No" to Background Question No. 1 on her 2012 Application.

¹ All civil statutory references are to RSMo 2016 unless otherwise indicated.

7. Background Question 1 on the 2019 Application asks in pertinent 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?
8. Davis answered “Yes” to Background Question No. 1 on her 2019 Application and included a written statement explaining the circumstances of each incident, a certified copy of the charging document and a certified copy of the official document which demonstrated the resolution of the charges or any final judgment.
9. The documents provided by Davis revealed that on or about September 30, 2010, the St. Charles County Prosecuting Attorney charged Davis with Passing Bad Check--less than \$500, in violation of § 570.120², a Class A Misdemeanor. *State v. Alicia M. Davis*, St. Charles Cty. Assoc. Cir. Ct., Case No. 1011-CR05412.
10. On March 23, 2011, following a guilty plea, the St. Charles County Associate Circuit Court sentenced Davis to sixty days confinement in the St. Charles County Detention Center, giving Davis credit for jail time served awaiting trial. *Id.*
11. The documents provided by Davis additionally revealed that on or about May 31, 2011, the St. Charles County Prosecuting Attorney charged Davis with Theft/Stealing (value of property/services less than \$50), in violation of § 570.030, a Class A Misdemeanor (Count 1) and Fraudulent Use of Credit/Debit Device (value less than \$5), in violation of § 570.130, a Class A Misdemeanor (Count 2.) *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1111-CR03049
12. On July 3, 2012, pursuant to a guilty plea, the St. Charles County Circuit Court sentenced Davis to sixty days confinement in the St. Charles County Detention Center on both Count 1 and Count 2, with credit for jail time served awaiting trial. *Id.*
13. The documents Davis provided with her 2019 Application further revealed that on June 20, 2011, the St. Charles County Prosecuting Attorney filed a case against Davis charging Davis with Possession of Controlled Substance (heroin) Except 35 Grams or Less of Marijuana, in violation of §195.202, a Class C Felony (Count 1) and Unlawful Use of Drug Paraphernalia, in violation of § 195.233, a Class A Misdemeanor (Count 2). *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1111-CR03317-01.

² All citations to the criminal statutes are to the versions that were in effect at the time of the criminal act.

14. On August 20, 2012, pursuant to a guilty plea, the St. Charles County Circuit Court sentenced Davis (on Count 1) to five years confinement with the Missouri Department of Corrections, to be served concurrently with the sentence handed down on Count 2 and the sentences in Case No. 1211-CR02304-01 and Case No. 1211-CR02994-01. On Count 2, the court sentenced Davis to confinement for a period of four months. *Id.*
15. The documents Davis provided with her 2019 Application revealed that on June 29, 2012, the St. Charles County Prosecuting Attorney filed an Information charging Davis with Theft/Stealing (value of property or services is \$25,000 or more), in violation of § 570.030, a Class B Felony (Count 1). *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1211-CR02304-01.
16. On August 20, 2012, pursuant to a guilty plea, the St. Charles County Circuit Court sentenced Davis to five years confinement with the Missouri Department of Corrections, to be served concurrently with the sentences handed down in Case No. 1211CR02994-01 and Case No. 1111-CR03317-01. *Id.*
17. Finally, the documents provided by Davis in her 2019 Application revealed that the St. Charles County Prosecuting Attorney filed an Information charging Davis with Receiving Stolen Property, in violation of § 570.080, a Class C Felony (Count 1). *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1211-CR02994-01.
18. On August 20, 2012, pursuant to a guilty plea, the St. Charles County Circuit Court sentenced Davis to serve five years with the Missouri Department of Corrections concurrent with the sentences handed down in Case No. 1211-CR02304-01 and Case No. 1111-CR03317-01. *Id.*
19. Effective May 7, 2017, the Missouri Department of Corrections discharged Davis from its supervision.
20. Background Question No. 1A on her 2021 Application asks:

Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, 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 exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)
21. Davis answered “No” to Background Question No. 1A on her 2021 Application.

22. Background Question No. 1B on her 2021 Application asks:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)

23. Davis answered “No” to Background Question No. 1B on her 2021 Application.

24. Background Question No. 2 on her 2021 Application asks:

Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration? “Involved” means having a license censured, suspended, revoked, canceled, terminated; or being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. “Involved” also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. “Involved” also means having a license, or registration application denied or the act of withdrawing an application to avoid a denial. INCLUDE any business so named because of your actions in your capacity as an owner, partner, officer or director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee. If you answer yes, you must attach to this application: a) a written statement identifying the type of license and explaining the circumstances of each incident, b) a copy of the Notice of Hearing or other document that states the charges and allegations, and c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

25. Davis answered “No” to Background Question No. 2 on her 2021 Application.

26. The Attestation Section of Davis’ 2021 Application provides in pertinent part:

I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachment is true and complete. I understand that submitting false information or omitting pertinent or material information in connection with this application is grounds for license

revocation, denial of the license and may subject me to civil or criminal penalties.

27. Davis answered “Yes” to the Attestation Section, certifying that the information provided in her 2021 Application was true and complete.
28. The Department initiated an investigation of Davis’ 2021 Application. On January 5, 2022, Marjorie Thompson, Chief of Investigations with the Department’s Division of Consumer Affairs (“Division”) sent Davis an inquiry letter, first class mail, postage pre-paid.
29. The January 5, 2022, inquiry letter pointed out that Davis had answered “No” to all of the Background Questions on her 2021 Application. However, based on information the Department had, including the information Davis had supplied with her 2019 Application, it appeared that Davis had both misdemeanor convictions and felony convictions. The inquiry letter asked for certain documentation for Davis’ criminal history, sought an explanation for why Davis had not disclosed her criminal history on her 2021 Application, sought an explanation why Davis had not disclosed the Refusal Order and explained that her response to the inquiry letter was due within twenty days, citing her to 20 CSR 100-4.100.
30. The United States Postal Service did not return the Division’s January 5, 2022, inquiry letter as undeliverable, and therefore Davis is presumed to have received it.
31. Davis did not respond to the Division’s January 5, 2022, inquiry letter, nor did she demonstrate a reasonable justification for the delay.

CONCLUSIONS OF LAW

32. Section 385.209.1 provides:

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:

- (1) Filed an application for license in this state within the previous ten years, which, as of the effective date of the license, was incomplete in any material respect or contained incorrect, misleading, or untrue information.;
- (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;

* * *

(5) Been convicted of any felony;

* * *

(7) Been found in violation of law by a court of competent jurisdiction in an action instituted by an officer in any state or the United States in any matter involving motor vehicle extended service contracts, financial services, investments, credit, insurance, banking, or finance;

* * *

(9) Been refused a license or had a license revoked or suspended by a state or federal regulator of service contracts, financial services, investments, credit, insurance, banking or finance[.]

1. Rule 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, is a rule of the Director and 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.

34. The Director may refuse to issue an MVESC producer license to Davis under §385.209.1(1) because Davis answered "No" to Background Question 1 on her 2012 Application despite the fact that on September 30, 2010, the St. Charles County Prosecuting Attorney charged Davis with Passing Bad Check--less than \$500, a Class A Misdemeanor. *State v. Alicia M. Davis*, St. Charles Cty. Assoc. Cir. Ct., Case No. 1011-CR05412.

35. Further, On March 23, 2011, following a guilty plea, the St. Charles County Associate Circuit Court sentenced Davis to sixty days confinement in the St. Charles

- County Detention Center, giving Davis credit for jail time served awaiting trial. *Id.*
36. Consequently, both the charge and the conviction of the Class A Misdemeanor, Passing Bad Check—less than \$500, occurred prior to Davis’ submittal of the 2012 Application.
 37. Additionally, on or about May 31, 2011, the St. Charles County Prosecuting Attorney charged Davis with Theft/Stealing (value of property/services less than \$50), a Class A Misdemeanor (Count 1) and Fraudulent Use of Credit/Debit Device (value less than \$5), a Class A Misdemeanor (Count 2.) *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1111-CR03049.
 38. Davis answered “No” to Background Question 1 on her 2012 Application despite having been charged with two Class A Misdemeanors.
 39. And on June 20, 2011, the St. Charles County Prosecuting Attorney filed a case against Davis charging Davis with Possession of Controlled Substance (heroin) Except 35 Grams or Less of Marijuana, a Class C felony (Count 1) and Unlawful Use of Drug Paraphernalia, a Class A Misdemeanor (Count 2). *State v. Alicia Marie Davis*, St. Charles Cir. Ct., Case No. 1111-CR03317-01.
 40. Davis submitted an application for an MVESC producer license that was incomplete in a material respect and that contained incorrect, misleading, or untrue information. She failed to advise the Department that she had been charged with four misdemeanors and one felony and been convicted of one misdemeanor crime. The Department issued Davis an MVESC producer license without having all the information it required to assess Davis’ 2012 Application.
 41. The Director may refuse to issue an MVESC producer license to Davis under §385.209.1(3) because Davis answered “No” to Background Question 1 on her 2012 Application. She obtained an MVESC producer license through material misrepresentation or fraud in that she failed to include the four misdemeanor charges and one felony charge and the misdemeanor conviction on her 2012 Application.
 42. The Director may refuse to issue an MVESC producer license to Davis under §385.209.1(1) because Davis answered “No” to Background Questions Nos. 1A, 1B and 2 on her 2021 Application despite the fact that Davis had been convicted of four misdemeanors and three felonies and had her 2019 license application refused. *State v. Alicia M. Davis*, St. Charles Cty. Assoc. Cir. Ct., Case No. 1011-CR05412; *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1111-CR03049; *State v. Alicia Marie Davis*, St. Charles Cir. Ct., Case No. 1111-CR03317-01; *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1211-CR02304-01; and *State v.*

Alicia Marie Davis, St. Charles Cty. Cir. Ct., Case No. 1211-CR02994-01 and *In Re: Alicia M. Davis*, Case No., 1904090620C.

43. The Director may refuse to issue an MVESC producer license to Davis under §385.209.1(2) because she failed to respond to an inquiry letter from the Division, which is a violation of 20 CSR 100-4.100(2)(A), a regulation duly promulgated by the Director.
44. The Director may refuse to issue an MVESC producer license to Davis under §385.209.1(3) because she answered “No” to Background Questions Nos. 1A, 1B and 2 on her 2021 Application. She attempted to obtain a license through material misrepresentation or fraud by failing to disclose her four misdemeanor convictions and three felony convictions and by failing to disclose the Refusal Order on her 2021 Application. *State v. Alicia M. Davis*, St. Charles Cty. Assoc. Cir. Ct., Case No. 1011-CR05412; *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1111-CR03049; *State v. Alicia Marie Davis*, St. Charles Cir. Ct., Case No. 1111-CR03317-01; *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1211-CR02304-01; *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1211-CR02994-01 and *In Re: Alicia M. Davis*, Case No., 1904090620C.
45. The Director may refuse to issue an MVESC producer license to Davis under §385.209.1(5) because Davis has been convicted of three felonies. *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1111-CR03317-01; *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1211-CR02304-01; *State v. Alicia Marie Davis*, St. Charles Cty. Cir. Ct., Case No. 1211-CR02994-01.
46. The Director may refuse to issue an MVESC producer license to Davis under §385.209.1(7) because Davis has been convicted of a violation of law in a matter involving banking. She was convicted of the Class A Misdemeanor, Passing Bad Check, and Fraudulent Use of Credit/Debit Device (value less than \$5), a Class A Misdemeanor. In both instances, Davis exploited the presumption that her check would be cashed at a bank and that the debit charges would be honored at a bank.
47. The Director may refuse to issue an MVESC producer license to Davis under §385.209.1(9) because Davis has been refused a license by the Missouri regulator of service contracts (the Director). *In Re: Alicia M. Davis*, Case No., 1904090620C.
48. The above-described instances are grounds upon which the Director may refuse to issue Davis an MVESC producer license.
49. Accordingly, and for all of the reasons given in this Petition, the Director has considered Davis’ history and all of the circumstances surrounding Davis’ 2021 Application and exercises her discretion to refuse to issue Davis an MVESC

producer license.

50. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the Motor Vehicle Extended Service Contract producer license application of **Alicia M. Davis** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 17th **DAY OF** August, 2022.

Chlora Lindley-Myers

**CHLORA LINDLEY-MYERS
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.


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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of August 2022, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United States Parcel Service, signature required, at the following address:

Alicia M. Davis
1102 Ashford Place Drive
O'Fallon, MO 63366

Tracking No. 1Z0R15W84292518309



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