



FINAL ORDER
EFFECTIVE
03-05-2018

State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
 PROFESSIONAL REGISTRATION**

In Re:

EILEEN MAURA MORAN,
Applicant.

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Case No. 170619307C

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

On December 7, 2017, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse to issue a motor vehicle extended service contract producer license to Eileen Maura Moran. After reviewing the Petition, and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Eileen Maura Moran ("Moran") is a Missouri resident with a residential and mailing address of record of 2013 Moondance, O'Fallon, Missouri 63368.
2. On April 14, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Moran's 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. I further certify, under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 36.4.

4. On April 11, 2017, Moran swore and signed the "Applicant's Certification and Attestation" section of the Application before a notary public.

5. Background Information Question 36.4 of the Application asked the following, in relevant part:

Have you failed to pay state or federal income tax?

Have you failed to comply with an administrative or court order directing payment of state or federal income tax?

Answer "Yes" if the answer to either question (or both) is "Yes."

6. Moran answered "No" in response to Background Information Question 36.4 of her Application.

7. An investigation conducted by the Consumer Affairs Division ("Division") of the Department revealed that on October 14, 2016, the St. Charles County Circuit Court entered a Certificate of Tax Lien against Moran for unpaid state individual income tax for the 2012 filing year. The Certificate of Tax Lien states the following, in part:

The Director of Revenue, under Section 143.902, RSMo, hereby certifies that the following assessment of tax, interest, additions to tax, penalties, and fees have been made and become final [in the amount of \$3,598.88]. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

Dep't of Revenue v. Eileen Moran, St. Charles Co. Cir. Ct., Case No. 1611-MC05340.

8. On April 19, 2017, Special Investigator Andrew Engler with the Division sent an inquiry letter by first-class mail to Moran at her address of record. The inquiry letter requested Moran provide a payment plan or letter of compliance from the Department of Revenue. The inquiry letter cited 20 CSR 100-4.100, notified Moran that her response was due within twenty days, and warned that failure to respond could result in refusal of her Application for a motor vehicle extended service contract ("MVESC") producer license.

9. The United States Postal Service did not return the Division's April 19, 2017 inquiry letter as undeliverable, and therefore Moran is presumed to have received it.

10. Moran did not respond to the Division's April 19, 2017 inquiry letter, nor did she demonstrate a reasonable justification for the delay.

11. On May 15, 2017, Special Investigator Engler sent a second inquiry letter to Moran at her address of record. The second inquiry letter requested the same documents as requested in the first inquiry letter. The May 15, 2017 inquiry letter cited 20 CSR 100-4.100 and notified Moran that her response to the first inquiry letter was overdue but that she would be given an additional twenty days to respond. Special Investigator Engler further warned Moran that failure to respond could result in administrative action.
12. The United States Postal Service did not return the Division's May 15, 2017 inquiry letter as undeliverable, and therefore Moran is presumed to have received it.
13. Moran did not respond to the Division's May 15, 2017 inquiry letter, nor did she demonstrate a reasonable justification for the delay.
14. It is inferable, and hereby found as fact, that Moran answered "No" in response to Background Information Question 36.4 and did not disclose her state income tax delinquency, in order to hide the material fact that she has failed to comply with an administrative or court order directing payment of state income tax, and thereby improve the likelihood that the Director would issue her an MVESC producer license.

CONCLUSIONS OF LAW

15. Section 385.209¹ 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:

* * *

(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; [or]

* * *

(13) Failed to comply with any administrative or court order directing payment of state or federal income tax[.]

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

¹ All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement, unless otherwise indicated.

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.

17. "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).

18. Section 143.902.1(2) provides, in relevant part:

If any taxpayer fails to pay any tax, interest, additions to tax or penalties imposed by this chapter when due and the assessment for which has become final, the director may file ... [a] certificate of lien specifying the amount of the tax, interest, additions to tax and penalties due and the name of the liable taxpayer. ... From the time of the filing of the certificate of lien or certificate of delinquency with the clerk of the circuit court, the amount of the tax, interest, additions to tax and penalties specified therein shall have the full force and effect of a default judgment of the circuit court until satisfied.

19. The Director may refuse to issue Moran an MVESC producer license pursuant to § 385.209.1(2) because Moran violated 20 CSR 100-4.100(2)(A), a rule of the Director, when she failed to respond to each of two (2) inquiry letters from the Division within twenty (20) days and failed to demonstrate a reasonable justification for the delay.
20. Each instance in which Moran violated a rule of the Director, namely 20 CSR 100-4.100(2)(A), constitutes a separate and sufficient cause for refusal pursuant to § 385.209.1(2).
21. The Director may refuse to issue Moran an MVESC producer license pursuant to § 385.209.1(3) because Moran attempted to obtain a license through material misrepresentation or fraud when she answered "No" to Background Information Question 36.4 of her Application and failed to disclose her state income tax delinquency for the 2012 filing year. *See Dep't of Revenue v. Eileen Moran*, St. Charles Co. Cir. Ct., Case No. 1611-MC05340.
22. The Director may refuse to issue Moran an MVESC producer license pursuant to § 385.209.1(13) because Moran failed to comply with an administrative or court order directing payment of state income tax. *Id.*
23. Director has considered Moran's history and all of the circumstances surrounding Moran's Application and exercises her discretion to refuse to issue Moran an MVESC producer license.

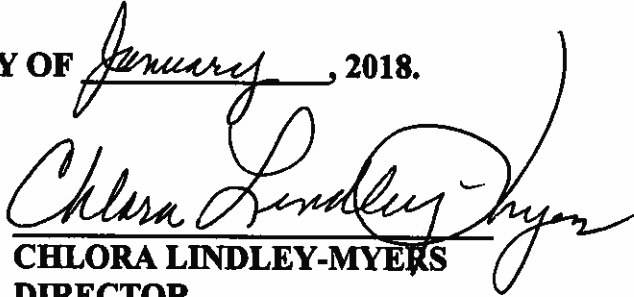
24. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that Eileen Maura Moran's Motor Vehicle Extended Service Contract producer license application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 09th DAY OF January, 2018.


CHLORA LINDLEY-MYERS
DIRECTOR



NOTICE

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

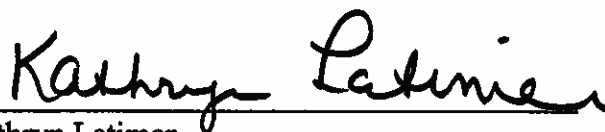
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of January, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, to the following address:

Eileen Maura Moran
2013 Moondance,
O'Fallon, MO 63368

Tracking No. 1Z0R15W84299537820

A handwritten signature in black ink, reading "Kathryn Latimer", written over a horizontal line.

Kathryn Latimer

Paralegal

Missouri Department of Insurance, Financial
Institutions and Professional Registration

301 West High Street, Room 530

Jefferson City, Missouri 65101

Telephone: 573.751.6515

Facsimile: 573.526.5492

Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, to the following address:

Eileen Maura Moran
2013 Moondance,
O'Fallon, MO 63368

Certified No. 7016 0340 0001 1319 8521



Kathryn Latimer

Paralegal

Missouri Department of Insurance, Financial
Institutions and Professional Registration

301 West High Street, Room 530

Jefferson City, Missouri 65101

Telephone: 573.751.6515

Facsimile: 573.526.5492

Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of February, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, to the following address:

Eileen Maura Moran
2013 Moondance,
O'Fallon, MO 63368

A handwritten signature in black ink that reads "Kathryn Latimer". The signature is written in a cursive style and is positioned above a horizontal line.

Kathryn Latimer
Paralegal
Missouri Department of Insurance, Financial
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301 West High Street, Room 530
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