



**DEPARTMENT OF COMMERCE AND INSURANCE**

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

<b>IN RE:</b>	)	
	)	
<b>ANTON JAMAL FRENCH,</b>	)	<b>Case No. 2001220045C</b>
	)	
<b>Applicant.</b>	)	

**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 the above matter for consideration and disposition. 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. Anton Jamal French ("French"), is a Missouri resident with a reported residential address of 3305 Potomac St., 1F, St. Louis, Missouri 63118.
2. On September 6, 2019, French submitted an Application for a Motor Vehicle Extended Service Contract ("MVESC") producer license ("Application") to the Department of Commerce and Insurance ("Department").
3. Background Question No. 4. on his Application asks in pertinent part:  
  
Have you failed to pay state or federal income tax?
4. French answered "No" to Background Question No. 4. on his Application.
5. Background Question No. 7. on his Application states:

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. French answered "Yes" to the initial question in Background Question No. 7. that he did have child support obligations, but he answered "No" to the remaining questions in Background Question No. 7.
7. French's Application was assigned to Andrew P. Engler, Special Investigator with the Division of Consumer Affairs, ("Engler") for review.
8. Engler contacted the Missouri Department of Revenue asking whether it had any record that French had failed to pay the state of Missouri income taxes.
9. On December 18, 2019, the Missouri Department of Revenue responded that French had an outstanding balance of assessments, including penalties and interest calculated to January 31, 2020, of \$2,789.00, for the 2005 tax period, Assessment Date of July 27, 2007, Lien Number 06361493857.
10. Engler also contacted the Missouri Department of Social Services, Family Support Division, Child Support Enforcement and learned that at the time French submitted his Application, he had a child support arrearage of \$9,372.29.
11. On or about April 1, 2000, DSS issued an administrative order directing French, the non-custodial parent, to pay the custodial parent of his minor child a specified amount per month, Administrative Order No.0722AD00154. On or about December

7, 2000, pursuant to § 454.490, RSMo, DSS filed the administrative order packet with the St. Louis County Circuit Court, *State ex rel. v. Anton Jamal French*, St. Louis Co. Cir. Ct., Case No.2100FC-11868.

12. On or about April 15, 2019, DSS issued a second administrative order directing French, the non-custodial parent, to pay the custodial parent of a second minor child a specified amount per month, Administrative Order No. 19SLDR01474. On or about March 22, 2019, the custodial parent filed the second administrative order packet with the St. Louis County Circuit Court, *Shelly Kwaun Lee v. Anton Jamal French*, St. Louis Co. Cir. Ct., Case No. 19SL-DR01474.
13. On September 16, 2019, Engler sent French an inquiry letter, first class mail, postage pre-paid, asking French about both the past-due tax assessment and the child support arrearage. Engler also asked why French failed to disclose the past due tax obligation and child support arrearage on his Application. The letter went on to explain that, pursuant to 20 CSR 100-4.100, French's response was due within twenty days and that a failure to respond might be grounds for refusing to issue the license. The United States Post Office did not return the letter as undeliverable.
14. French did not respond to the September 16, 2019, inquiry letter. Consequently, on October 11, 2019, Engler sent a second inquiry letter, first class mail, postage pre-paid, which was substantially the same as the September 16, 2019, inquiry letter with the addition of a paragraph reminding French that this was the second inquiry letter and that a response was due within twenty days. The United States Post Office did not return the October 11, 2019, inquiry letter as undeliverable.
15. To date, French has not responded to either the September 16, 2019, inquiry letter or the October 11, 2019, second inquiry letter. Further, French has not provided just cause for the delay in responding to either letter.
16. It is inferable and is hereby found as fact that French did not disclose the past due income taxes or the child support arrearages in order to increase the chances that he would be able to obtain an MVESC license.
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).

### CONCLUSIONS OF LAW

18. Section 385.209.1, RSMo 2016,<sup>1</sup> provides, in pertinent part:

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<sup>1</sup> All further statutory references are to RSMo 2016 unless otherwise indicated.

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 action 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;

\* \* \*

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

19. Rule 20 CSR 100-4.100(2)(A) provides as follows:

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.

20. The Director may refuse to issue an MVESC producer license to French pursuant to § 385.209.1(2) because French failed to respond to two inquiry letters and failed to provide any justification for the delay, in violation of 20 CSR 100-4.100.
21. The Director may refuse to issue an MVESC producer license to French pursuant to § 385.209.1(3) because French failed to disclose that he has a past due income tax assessment and that he is in arrears on two child support obligations. French failed to disclose the information in order to increase the likelihood he would obtain an

MVESC producer license. His failures to disclose and the reason for those failures constitute an attempt to obtain an MVESC license through a material misrepresentation.

22. The Director may refuse to issue an MVESC producer license to French pursuant to § 385.209.1(12) because French has failed to comply with two child support obligation orders and, as of the date of his Application, was in arrears on his child support payments in the total amount of \$ 9,372.29.
23. The above-described instances are grounds upon which the Director may refuse to issue French an MVESC producer license.
24. Accordingly, and for all of the reasons given in the Petition, the Director has considered French's history and all of the circumstances surrounding French's Application and is exercising her discretion to refuse to issue French an MVESC license.
25. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the Motor Vehicle Extended Service Contract producer license Application of **Anton Jamal French** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 18<sup>th</sup> DAY OF December, 2020.



*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.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of December, 2020, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Anton Jamal French  
3305 Potomac Street, 1F  
St. Louis, Missouri 63118

Tracking No. 1Z0R15W84296021829



Kim Landers  
Missouri Department of Commerce and  
Insurance  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
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