



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

JEREMY MYLES MOORE,

Applicant.

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Case No. 140218207C

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On March 24, 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 Jeremy Myles Moore. 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. Jeremy Myles Moore ("Moore") is a Missouri resident with a residential address of record of 12 Patty Ellen Drive, St. Peters, Missouri 63376.
2. On November 8, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Moore'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. Moore accepted the "Attestation" section by signing the Application.
5. Background Question No. 1 of the Application asks the following:

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 a 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 or 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 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").

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 judgement[.]

6. Moore answered "No" in response to Background Question No. 1.
7. During its investigation, the Consumer Affairs Division ("Division") discovered the following:
 - a. On or about June 9, 1995 in the Circuit Court of St. Charles County, Missouri, Moore pled guilty to Stealing, a Class C Felony, in violation of § 570.030 RSMo. On or about October 12, 1995, the court sentenced Moore to four (4) years' incarceration with the Missouri Department of Corrections, but suspended the execution of sentence, ordered Moore to complete 120 days shock incarceration, and placed Moore on supervised probation for five (5) years. Said sentence was ordered concurrent with the sentence entered in Case No. 11R019500626-01. On or about May 7, 1997, Moore's probation was revoked and the court executed Moore's sentence of four (4) years' incarceration. *State v. Jeremy Myles Moore*, St. Charles Co. Cir. Ct., Case No. 11R019500261-01.
 - b. On or about June 9, 1995 in the Circuit Court of St. Charles County, Missouri, Moore pled guilty to two (2) counts of Stealing, a Class C Felony, in violation of § 570.030 RSMo. On or about October 12, 1995, the court sentenced Moore to four (4) years' incarceration with the Missouri Department of Corrections, but suspended the execution of sentence, ordered Moore to complete 120 days shock incarceration, and placed Moore on

supervised probation for five (5) years. Said sentence was ordered concurrent with the sentence entered in Case No. 11R019500261-01. On or about May 7, 1997, Moore's probation was revoked and the court executed Moore's sentence of four (4) years' incarceration. *State v. Jeremy Myles Moore*, St. Charles Co. Cir. Ct., Case No. 11R019500626-01.

- c. On or about February 28, 1997 in the Circuit Court of St. Charles County, Missouri, Moore pled guilty to Stealing, a Class C Felony, in violation of § 570.030 RSMo. On or about May 9, 1997, the court sentenced Moore to five (5) years' incarceration with the Missouri Department of Corrections. This sentence was served concurrent with Case Nos. 11R019500261-01 and 11R019500626-01. *State v. Jeremy Myles Moore*, St. Charles Co. Cir. Ct., Case No. 11R019601940-01.

- 8. It is inferable that Moore falsely answered "No" to Question No. 1 and failed to disclose his felony convictions in his Application to misrepresent to the Director that he had no criminal history, 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.

- 9. Background Question No. 7 of the Application asks the following:

Do you have a child support obligation in arrearage?

If you answer yes:

- (a) By how many months are you in arrearage?
 - (b) Are you currently subject to and in compliance with any repayment agreement?
 - (c) Are you the subject of a child support related subpoena/warrant? (If you answer yes, provided documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.).
- 10. In response to Background Question No. 7, Moore answered that he does have a child support obligation in arrearage, that he is twelve (12) months in arrearage, that he is currently subject to and in compliance with a repayment agreement, and that he is not the subject of a child support related subpoena/warrant.
 - 11. Upon further investigation, the Division discovered that Moore has a monthly child support obligation of \$280.00 and currently owes total arrears of \$11,873.38. *Alisha Jealeah Lindsey v. Jeremy Myles Moore*, Warren Co. Cir. Ct., Case No. 07BB-MC00002.
 - 12. After reviewing Moore's Application and his criminal record, Special Investigator Andrew Engler ("Special Investigator Engler") sent an inquiry letter to Moore dated November 19, 2013. Said letter requested additional documentation and information about Moore's felony convictions and child support obligation. The letter further requested a response by December 9, 2013, and warned Moore that a failure to respond

could result in refusal of his MVESC producer license.

13. The United States Postal Service did not return the November 19, 2013 letter to the Division, and therefore it is presumed delivered.
14. Moore failed to provide a written response to the Division's November 19, 2013 letter by December 9, 2013, and failed to demonstrate a reasonable justification for the delay.

CONCLUSIONS OF LAW

15. 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;

* * *

- (5) Been convicted of any felony;

* * *

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

16. 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.

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. 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.
19. The Director may refuse to issue a MVESC producer license to Moore under § 385.209.1(2) because Moore failed to adequately respond to an inquiry letter 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.
20. The Director may refuse to issue a MVESC producer license to Moore under § 385.209.1(3) because Moore attempted to obtain a MVESC producer license through material misrepresentation or fraud. Moore falsely answered "No" to Background Question No. 1 and failed to disclose his four (4) felony convictions in his Application in order to misrepresent to the Director that he had no criminal history, and, accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.
21. Each attempt 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 Moore under § 385.209.1(5) because Moore has been convicted of four (4) felonies:
 - a. *State v. Jeremy Myles Moore*, St. Charles Co. Cir. Ct., Case No. 11R019500261-01 (Stealing, a Class C Felony, in violation of § 570.030);
 - b. *State v. Jeremy Myles Moore*, St. Charles Co. Cir. Ct., Case No. 11R019500626-01 (Stealing, a Class C Felony, in violation of § 570.030);
 - c. *State v. Jeremy Myles Moore*, St. Charles Co. Cir. Ct., Case No. 11R019500626-01 (Stealing, a Class C Felony, in violation of § 570.030); and
 - d. *State v. Jeremy Myles Moore*, St. Charles Co. Cir. Ct., Case No. 11R019601940-01 (Stealing, a Class C Felony, in violation of § 570.030).
23. Each felony conviction is a separate and sufficient cause for refusal under § 385.209.1(5).
24. The Director may refuse to issue a MVESC producer license to Moore under § 385.209.1(12) because Moore has failed to comply with an administrative or court

order imposing a child support obligation and, as a result, owes \$11,873.38 in total arrears. *Alisha Jealeah Lindsey v. Jeremy Myles Moore*, Warren Co. Cir. Ct., Case No. 07BB-MC00002.

25. The Director has considered Moore's history and all of the circumstances surrounding Moore's Application. Granting Moore 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 Moore.
26. This order is in the public interest.

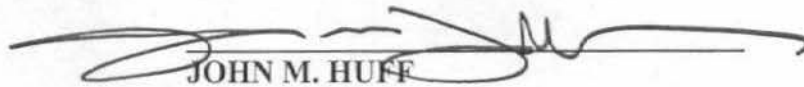
ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Jeremy Myles Moore** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 3RD DAY OF APRIL, 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 4th day of April, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following addresses:

Jeremy Myles Moore
12 Patty Ellen Drive
St. Peters, Missouri 63376

No. 1Z0R15W84295200388



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