

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

SHAUN JOSEPH LOAR,

Applicant.

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Case No. 1901070055C

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On February 20, 2019, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the resident insurance producer license application of Shaun Joseph Loar. After reviewing the Petition, 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. Shaun Joseph Loar ("Loar") is a Missouri resident with an address of 4077 Brook Ridge Drive, Arnold, Missouri 63010-4845.
2. On April 4, 2018, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Loar's electronic application for a resident insurance producer license ("Insurance Application").
3. On August 30, 2001, Loar was charged with, pled guilty to, and convicted of Possession of an Intoxicating Liquor by a Minor, an unclassified misdemeanor in violation of § 311.325.¹ The court sentenced him to a \$250 fine. *State v. Shaun J. Loar*, Madison Co. Assoc. Cir. Ct., Case No. 01CR614202.
4. On May 13, 2010, Loar was charged with Driving While Intoxicated - Aggravated Offender, a class C felony in violation of § 577.010, and Driving While License Revoked, a class D felony in violation of § 302.321. On January 17, 2012, Loar pled guilty to, and was convicted of, Driving While Intoxicated - Aggravated Offender and an amended charge of Operating a Vehicle on a Highway Without a Valid License, a class A misdemeanor in violation of § 302.020. The court sentenced him to four years and thirty days' incarceration, respectively and concurrently. *State v. Shaun J. Loar*, Jefferson Co. Cir. Ct., Case No. 10JE-CR01885-01.

¹ All criminal statutory citations are to the version of the Missouri Revised Statutes in effect at the time of the offense. Loar was 20 years old at the time of this offense, and therefore not chargeable as a juvenile for delinquency.

5. On July 9, 2010, Loar was charged with Assault of a Law Enforcement Officer in the Third Degree, a class A misdemeanor in violation of § 565.083, and Resisting a Lawful Detention, a class A misdemeanor in violation of § 575.150. On March 20, 2012, Loar pled guilty to, and was convicted of, the offenses; the court sentenced him to sixty days' incarceration. *State v. Shaun J. Loar*, Jefferson Co. Cir. Ct., Case No. 10JE-CR02700.
6. On January 13, 2012, the Department received Loar's completed Application for Motor Vehicle Extended Service Contract Producer License ("2012 Application").
7. Although he had previously been convicted of Possession of an Intoxicating Liquor by a Minor and was facing charges as described above, Loar answered "No" in response to Background Question 1 of the 2012 Application which asked, in relevant part:

Have you ever been convicted of a crime, had a judgment 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.

8. Loar signed the 2012 Application before a notary public, affirming that "all of the information submitted in this application and attachments is true and complete."
9. Relying on Loar's misrepresentation, the Department issued him a motor vehicle extended service contract ("MVESC") producer license on January 20, 2012.
10. Before December 4, 2013, Loar did not notify the Department of any criminal prosecutions against him or the resulting convictions.
11. On December 4, 2013, the Department received Loar's completed Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2013 Application")
12. Loar answered "No" in response to Background Question 1 of the 2013 Application which asked, in relevant 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, which has not been previously reported to this

insurance department?

“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.

13. Loar signed the 2013 Application before a notary public, affirming that “all of the information submitted in this application and attachments is true and complete.”
14. After reviewing the 2013 Application and upon discovering his convictions, the Director of the Department refused to renew Loar’s MVESC producer license; it expired on January 20, 2014.² *See In re Shaun J. Loar*, DIFP Case No. 14-0424414C.
15. Notwithstanding that his MVESC producer license had expired, Loar continued to engage in the business of selling, offering, or soliciting MVESCs to consumers from within Missouri.
16. It is inferable, and hereby found as fact, that Loar falsely answered “No” to Background Questions 1 of the 2012 Application and 2013 Application in order to conceal his criminal record and thereby misrepresent his qualifications for MVESC producer licensure.

CONCLUSIONS OF LAW

17. Section 375.141.1, provides, in relevant part:

The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:

* * *

- (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;
- (3) Obtaining or attempting to obtain a license through material

² See § 385.207.6. All civil statutory references are to the 2016 Missouri Revised Statutes unless otherwise noted.

misrepresentation or fraud; [or]

* * *

- (6) Having been convicted of a felony or crime involving moral turpitude[.]

- 18. Section 385.206.1, RSMo Supp. 2013 is an insurance law and provides, in relevant part:

It is unlawful for any person in or from this state to sell, offer, negotiate, or solicit a motor vehicle extended service contract with a consumer, other than the following:

* * *

- (6) A business entity producer or individual producer licensed under section 385.207[.]

- 19. Section 385.207 is an insurance law and provides, in relevant part:

- 3. An individual, prior to selling, offering, negotiating, or soliciting a motor vehicle extended service contract with a consumer under subdivision (6) of subsection 1 of section 385.206, shall apply for and obtain licensure with the director as an individual producer in accordance with this section.

* * *

- 6. A producer license issued under this section, if not renewed by the director by its expiration date, shall terminate on its expiration date and shall not after that date authorize its holder under sections 385.200 to 385.220 to sell, offer, negotiate, or solicit motor vehicle extended service contracts.

- 20. The Director may refuse to issue Loar a resident insurance producer license pursuant to § 375.141.1(2) because he violated § 385.206.1, RSMo Supp. 2013 when he sold, offered, negotiated, or solicited MVEsCs with consumers from within Missouri after January 20, 2014.
- 21. The Director may refuse to issue Loar a resident insurance producer license pursuant to § 375.141.1(3) because he obtained a MVEsC producer license through material misrepresentation or fraud by falsely answering “No” to Background Question 1 of the 2012 Application and not disclosing his then-pending criminal charges, as required.
- 22. The Director may refuse to issue Loar a resident insurance producer license pursuant to § 375.141.1(3) because he attempted to obtain renewal of his MVEsC producer license

through material misrepresentation or fraud by falsely answering "No" to Background Question 1 of the 2013 Application and not disclosing his criminal convictions, as required.

23. Each time Loar obtained or attempted to obtain a license through material misrepresentation or fraud is a separate and sufficient ground to refuse licensure pursuant to § 375.141.1(3).
24. The Director may refuse to issue Loar a resident insurance producer license pursuant to § 375.141.1(6) because he has been convicted of a felony, specifically Driving While Intoxicated - Aggravated Offender. *State v. Shaun J. Loar*, Jefferson Co. Cir. Ct., Case No. 10JE-CR01885-01.
25. The Director may refuse to issue Loar a resident insurance producer license pursuant to § 375.141.1(6) because he has been convicted of a crime involving moral turpitude, specifically Assault of a Law Enforcement Officer in the Third Degree. *State v. Shaun J. Loar*, Jefferson Co. Cir. Ct., Case No. 10JE-CR02700.
26. The Director has considered Loar's history and all of the circumstances surrounding Loar's Insurance Application. Issuing Loar a resident insurance producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Loar a resident insurance producer license.
27. This Order is in the public interest.

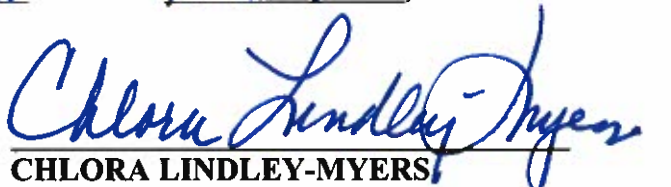
ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of **Shaun Joseph Loar** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 12th DAY OF AUGUST, 2019.




CHLORA LINDLEY-MYERS
DIRECTOR, Missouri Department of Insurance,
Financial Institutions and Professional Registration

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.

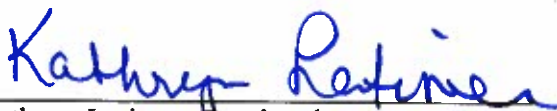
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of August, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Shaun Joseph Loar
4077 Brook Ridge Drive
Arnold, Missouri 63010-4845

No. 1Z0R15W84297796367



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