



**DEPARTMENT OF COMMERCE AND INSURANCE**

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

**IN RE:**

**ANTHONY FLOYD LUCAS,**

**Applicant.**

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**Case No. 2303130414C**

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

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance (“Department”), takes up the above matter for consideration and disposition. After reviewing the Petition and Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Anthony Floyd Lucas (“Lucas”) is a Missouri resident with a residential address of record of 2024 Ella Drive, Wentzville, Missouri 63385.
2. On July 19, 2022, the Department received Lucas’ motor vehicle extended service contract producer license application (“Application”).
3. The Application contains an Attestation section, which states in relevant part:

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. On July 14, 2022, Lucas signed the “Applicant’s Certification and Attestation” section of the Application before a notary public.

5. Background Information Question No. 7 on the Application asks, in relevant part:

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. Lucas answered “Yes” to Background Information Question No. 7.

7. Lucas did not answer subsections (a), (b), (c), (d), or (e) of Background Information Question No. 7, and left these items blank.

8. Lucas answered “No” to subsections (f) and (g) of Background Information Question No. 7.

9. Lucas did not provide any documentation or further explanation with his Application regarding his reported child support obligation.

10. On July 22, 2022, Special Investigator Kevin Davidson (“Davidson”) with the Consumer Affairs Division (“Division”) sent an inquiry letter to Lucas at his email address of record and at his residential address of record, via first class mail. Davidson asked that Lucas provide an explanation as to why he omitted information regarding his child support arrearage from his Application, and asked Lucas to

provide a copy of documentation and payment information for the past 24 months. The inquiry letter cited 20 CSR 100-4.100, and stated that “your response is due within twenty days. Failure to respond could result in an administrative action against your MVEESC license.”

11. The United States Postal Service did not return the Division’s July 22, 2022 inquiry letter as undeliverable, and therefore, Lucas is presumed to have received it.
12. Lucas did not respond to the Division’s July 22, 2022 inquiry letter, nor did he demonstrate a reasonable justification for the delay.
13. On October 12, 2022, Davidson sent an email to Lucas at his email address of record, asking that Lucas provide a copy of his child support documentation and payment information for the past 24 months.
14. Lucas did not respond to the Division’s October 12, 2022 email.
15. On February 8, 2023, Davidson sent a second inquiry letter to Lucas at his residential address of record, via first class mail. Davidson asked that Lucas provide an explanation as to why he omitted information regarding his child support arrearage from his Application, and asked Lucas to provide a copy of documentation and payment information for the past 24 months. The inquiry letter cited 20 CSR 100-4.100, and stated that “your response is due within twenty days. Failure to respond could result in an administrative action against your MVEESC license.”
16. The United States Postal Service did not return the Division’s February 8, 2023 inquiry letter as undeliverable, and therefore, Lucas is presumed to have received it.
17. Lucas did not respond to the Division’s February 8, 2023 inquiry letter, nor did he demonstrate a reasonable justification for the delay.
18. An investigation conducted by the Division revealed that Lucas has the following child support arrearage: Lucas was ordered to pay \$400.00 per month for the support of his two minor children, beginning November 1, 2019. *Catherine Lucas v. Anthony Lucas*, St. Charles Cty. Cir. Ct., Case No. 1811-FC01586. The total arrearage owed by Lucas as of February 8, 2023, was \$15,086.04. *Id.*

### CONCLUSIONS OF LAW

19. Section 385.209, RSMo,<sup>1</sup> provides, in relevant part:

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<sup>1</sup> All civil statutory references are to the 2016 Revised Statutes of Missouri 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 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; [or]

\* \* \*

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

20. 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:

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.

21. "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).

22. The Director may refuse to issue a motor vehicle extended service contract producer license to Lucas under §385.209.1(2) because Lucas violated 20 CSR 100-4.100(2)(A), a rule of the Director, in that Lucas failed to respond to two written inquiry letters from the Division from July 22, 2022, and February 8, 2023, respectively, and on both occasions Lucas failed to demonstrate reasonable justification for any delay.

23. Each violation of 20 CSR 100-4.100(2)(A) constitutes a separate and sufficient ground for the Director to refuse to issue a motor vehicle extended service contract license to Lucas under §385.209.1(2).

24. The Director may refuse to issue a motor vehicle extended service contract producer license to Lucas under §385.209.1(12) because Lucas has failed to comply with an administrative or court order imposing a child support obligation, as demonstrated by the unpaid child support arrearage of \$15,086.04. *Catherine Lucas v. Anthony Lucas*, St. Charles Cty. Cir. Ct., Case No. 1811-FC01586.
25. The above-described instances are grounds upon which the Director may refuse to issue Lucas a motor vehicle extended service contract producer license.
26. The Director has considered Lucas' history and all of the circumstances surrounding Lucas' Application and exercises her discretion to refuse to issue Lucas a motor vehicle extended service contract producer license.
27. This Order is in the public interest.

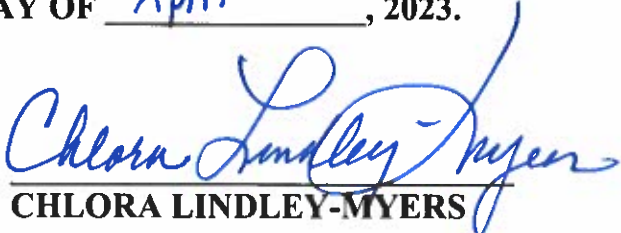
**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license Application of **ANTHONY FLOYD LUCAS** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 24<sup>th</sup> DAY OF April, 2023.



  
**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 25th day of April, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Anthony Floyd Lucas  
2024 Ella Drive  
Wentzville, Missouri 63385

Tracking No. 1Z0R15W84292968896



Kathryn Latimer  
Paralegal  
Missouri Department of Commerce and  
Insurance  
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