



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)
)
MERCEDES SHANTANICE CHESTER,) Case No. 1907150919C
)
Applicant.)

**ORDER REFUSING TO ISSUE A 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, the Investigative Report, and the entirety of the Petition file, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Mercedes Shantanice Chester (“Chester”) is a Missouri resident with a mailing address of 237 Cameron Rd., St. Louis, MO 63137.
2. On November 14, 2018, the Missouri Department of Insurance, Financial Institutions and Professional Registration¹ (“Department”) received an Application from Chester for a motor vehicle extended service contract producer license (“Application”).
3. Chester accepted and affirmed the Applicant’s Certification and 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

¹ The Department of Insurance, Financial Institutions and Professional Registration is the predecessor agency of the Department of Commerce and Insurance. See Executive Order 19-02.

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. Chester signed the Application under oath and before a notary.
5. Background Information Question Number 1 of the Application asks, 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?
6. Chester answered “No” to Background Information Question Number 1 on her application.
7. An investigation conducted by the Consumer Affairs Division (“Division”) revealed that, contrary to her “No” answer to Background Information Question Number 1, Chester has entered a plea of guilty to the following:
 - a. On July 13, 2018, Chester was found guilty upon a plea of guilty in the St. Louis County District Court to two counts of felony Forgery, in violation of §570.090 RSMo,² and §§558.011 and 560.011 RSMo. *State v. Mercedes Chester*, St. Louis Co. Cir. Ct., Case No. 12SL-CR03534-01. The court suspended imposition of the sentence on both counts and placed Chester on five years of supervised probation.
 - b. Also on July 13, 2018, Chester was found guilty upon a plea of guilty to a separate count of Forgery, a class C felony, in violation of §570.090 RSMo. The court suspended imposition of the sentence and placed Chester on five years of supervised probation. *State v. Mercedes Shantanice Chester*, St. Louis Co. Cir. Ct., 16SL-CR05138-01.
 - c. On September 17, 2018, in the City of St. Louis, Chester was found guilty upon a plea of guilty to one count of Knowingly Burning or Exploding, a class E felony, in violation of §569.055 RSMo, one count of Stealing a Motor Vehicle, a class D felony, in violation of §570.030 RSMo, and one count of Fourth Degree Assault, a C misdemeanor, in violation of §565.056 RSMo. *State v. Mercedes Chester*, City of St. Louis Co. Cir. Ct., 1822-CR00133-01. On October 19, 2018, the court suspended imposition of sentence on both felony counts and placed Chester on five years of supervised probation. *Id.* On the misdemeanor count of Fourth Degree Assault, the court sentenced Chester to two years of unsupervised probation. *Id.*
8. On November 19, 2018, Andrew Engler, special investigator with the Division, sent an inquiry letter to Chester at her address of record. The inquiry letter requested that Chester provide a statement explaining the circumstances of her charges and an explanation of why

² All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

she did not disclose the aforementioned charges on her Application. Engler requested certified copies of any charging documents for the criminal charges. The inquiry letter cited 20 CSR 100-4.100, and stated “your response is due within twenty days. Failure to respond could result in a refusal to issue your MVESC license.”

9. The United States Postal Service did not return the Division’s November 19, 2018 inquiry letter as undeliverable, and therefore Chester is presumed to have received it.
10. Chester did not respond to the Division’s November 19, 2018 inquiry letter, nor did she demonstrate a reasonable justification for the delay.
11. On December 13, 2018, Engler sent a second inquiry letter to Chester at her address of record. The inquiry letter requested that Chester provide a statement explaining the circumstances of her charges and an explanation of why she did not disclose the aforementioned charges on her Application. Engler requested certified copies of any charging documents for the criminal charges. The inquiry letter cited 20 CSR 100-4.100, and stated “...your response was due within twenty days. I will allow you to respond within an additional twenty days. Failure to respond could result in a refusal to issue your MVESC license.”
12. On December 31, 2018, Chester contacted Engler by telephone. She stated that she had received his letter and asked if the inquiry letter related only to felony convictions. Engler informed her that the inquiry letter related to all previous misdemeanors, felonies, suspended impositions of sentences and suspended executions of sentences. Engler informed her that she needed to provide the court documents and a statement concerning the charges.
13. Chester did not submit the requested certified court documents nor a statement concerning her criminal charges to the Division.
14. It is inferable and hereby found as fact that Chester did not disclose her misdemeanor and felony charges on her Application in order to misrepresent to the Director that she did not have a felony criminal history and to improve the chances that the Director would approve her Application and issue her a motor vehicle extended service contract producer license.

CONCLUSIONS OF LAW

15. Section 385.209, RSMo (2016), provides, in relevant part:

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[.]

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:

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. The Director may refuse to issue a motor vehicle extended service contract license to Chester under §385.209.1(2) because Chester violated 20 CSR 100-4.100(2)(A), a rule of the Director, in that Chester failed to respond to a written inquiry from the Division on December 13, 2018, and Chester failed to demonstrate reasonable justification for her failure to respond.
19. The Director may refuse to issue a motor vehicle extended service contract license to Chester under §385.209.1(3) because Chester attempted to obtain a license through material misrepresentation or fraud by failing to disclose her full criminal history of misdemeanor and felony charges. *State v. Mercedes Chester*, St. Louis Co. Cir. Ct., Case No. 12SL-CR03534. *State v. Mercedes Shantanic Chester*, St. Louis Co. Cir. Ct., 16SL-CR05138-01. *State v. Mercedes Chester*, City of St. Louis Co. Cir. Ct., 1822-CR00133-01.
20. The Director has considered Chester's history and all of the circumstances surrounding Chester's Application and exercises her discretion to refuse to issue Chester a motor vehicle extended service contract producer license.
21. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that Mercedes Shantanice Chester's Application for a motor vehicle extended license contract producer license is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 18th DAY OF February, 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 20th day of February, 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:

Mercedes Chester
237 Cameron Rd
St. Louis, MO 63137

Tracking No. 1Z0R15W84293226686



Kathryn Latimer

Paralegal

Missouri Department of Commerce and Insurance

301 West High Street, Room 530

Jefferson City, Missouri 65101

Telephone: 573.751.2619

Facsimile: 573.526.5492

Email: kathryn.latimer@insurance.mo.gov