



State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

IN RE:

JESSICA C. OBERKRAMER,

Applicant.

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Case No. 1812121002C

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

On February 22, 2019, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Jessica C. Oberkramer. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. Jessica Oberkramer (“Oberkramer”) is a Missouri resident with a residential address of 809 Blumhoff Ave., Wentzville, Missouri, 63385.
2. On September 5, 2018, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Oberkramer’s Application for Motor Vehicle Extended Service Contract (“MVESC”) Producer License (“Application”) along with attachments.
3. 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?
4. Oberkramer answered “Yes” to Background Information Question Number 1 on her Application. Oberkramer provided a letter of explanation regarding her criminal past including a felony conviction for Tampering in the First Degree, a Class C Felony conviction for Stealing, and a misdemeanor conviction for Receiving Stolen Property. She did not disclose any other charges or convictions.

- a. As to her Tampering conviction, on January 12, 1999, the County Prosecutor charged Oberkramer with Tampering with Motor Vehicle in violation of § 569.080.¹ *State v. Jessica C. Oberkramer*, Franklin Co. Cir. Ct., Case No. 20CR-03982228. On January 9, 1999, Oberkramer pled guilty to the charge and on April 6, 1999 the court ordered a suspended imposition of sentence and 5 years' probation. *Id.* On July 9, 2004, the court revoked her probation and sentenced Oberkramer to 3 years' incarceration, with execution of sentence suspended, and 5 years' probation. *Id.* On May 5, 2009, the court revoked her probation and sentenced her to 3 years in the Department of Corrections. *Id.*
 - b. As to her felony stealing conviction, on February 17, 2004, Oberkramer was charged with Theft/Stealing (Value of Property or Services is \$500 or More But Less than \$25,000), in violation of § 570.030. On July 12, 2004, she pled guilty and was sentenced to 5 years in the Missouri Department of Corrections, with execution of sentence suspended, and 5 years' supervised probation. *State v. Jessica C. Oberkramer*, St. Louis Co. Cir. Ct., Case No. 2103R-05186-01. She was also charged with a Class A Misdemeanor, Receiving Stolen Property, in violation of § 570.080. *Id.* On July 12, 2004, she pled guilty and was sentenced to 1 year in the Department of Justice Services, with execution of sentence suspended, and 2 years' supervised probation. Oberkramer violated probation and on March 24, 2009, the court revoked her misdemeanor supervised probation and ordered 5 years' supervised probation. *Id.*
5. The Division's investigation further revealed that Oberkramer had a misdemeanor conviction that Oberkramer did not disclose in response to Background Information Question Number 1 on her Application:
 - a. On November 21, 2016, Oberkramer was charged with Theft/Stealing (Value of Property or Services is Less than \$500), a Class A Misdemeanor, in violation of § 570.030. *State v. Jessica C. Oberkramer*, St. Charles Co. Assoc. Cir. Ct., Case No. 1611-CR06150. Oberkramer pled guilty on May 30, 2017 and was sentenced to pay a fine of \$100. *Id.*
 6. On September 11, 2018, Division Special Investigator Andrew Engler ("Engler") sent an inquiry letter via first class mail, postage prepaid, to Oberkramer at her residential address, 809 Blumhoff Ave., Wentzville, Missouri, 63385. In his letter, Engler asked Oberkramer to provide an explanation for her failure to disclose her misdemeanor charge for Theft/Stealing. Engler asked for a response within twenty days and stated that, "[f]ailure to respond could result in a refusal to issue your MVESC license."
 7. The inquiry letter dated September 11, 2018 was not returned as undeliverable to the Division and therefore it is presumed received.

¹ This and all criminal statutory citations are to that version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

8. Oberkramer did not respond timely or at all to Engler's September 11, 2018 inquiry letter and she did not demonstrate reasonable justification for any delay.
9. On October 9, 2018, Engler sent another inquiry letter to Oberkramer via first class mail, postage prepaid, to Oberkramer's residential address. In his letter, Engler again asked for Oberkramer for an explanation as to why she failed to disclose her Theft/Stealing charge. Engler requested response within twenty days and indicated that "[f]ailure to respond could result in a refusal to issue your MVESC license."
10. The United States Postal Service did not return Engler's October 9, 2018 inquiry letter to the Division as undeliverable and it is presumed received.
11. Oberkramer did not respond timely or at all to Engler's October 9, 2018 inquiry letter and she did not demonstrate reasonable justification for any delay.
12. It is inferable that Oberkramer did not disclose her recent stealing conviction to increase her chances at receiving a license.

CONCLUSIONS OF LAW

13. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course of the mail. *Hughes v. Estes*, 793 S.W.2d 206, 209 (Mo. App. S.D. 1990).
14. 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.

15. Section 385.209.1, 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;

* * *

(5) Been convicted of any felony[.]

16. The Director may refuse to issue a motor vehicle extended service contract producer license to Oberkramer under § 385.209.1(2) because Oberkramer violated 20 CSR 100-4.100(2)(A), a rule of the Director, in that Oberkramer failed to respond to two written inquiries from the Division from September 11, 2018, and October 9, 2018 and Oberkramer failed to demonstrate reasonable justification for any delay.
17. 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 producer license to Oberkramer under § 385.209.1(2).
18. The Director may refuse to issue a motor vehicle extended service contract producer license to Oberkramer under § 385.209.1(3) because Oberkramer attempted to obtain a license through material misrepresentation or fraud because while she disclosed on her Application her felony Tampering conviction from Franklin County, *State v. Jessica C. Oberkramer*, Franklin Co. Cir. Ct., Case No. 20CR-0398228, and her Class C Felony conviction for Theft/Stealing and Class A Misdemeanor conviction for Receiving Stolen Property from St. Louis County, *State v. Jessica C. Oberkramer*, St. Louis Co. Cir. Ct., Case No. 2103R-05188-01, she failed to disclose her 2017 misdemeanor conviction for Theft. *State v. Jessica C. Oberkramer*, St. Charles Co. Assoc. Cir. Ct., Case No. 1611-CR06150.
19. The Director may refuse to issue a motor vehicle extended service contract producer license to Oberkramer under § 385.209.1(5) because Oberkramer has been convicted of two felonies: felony Tampering in the First Degree, in violation of §569.080, *State v. Jessica C. Oberkramer*, Franklin Co. Cir. Ct., Case No. 20CR-03982228, and Class C Felony Stealing, in violation of § 570.030. *State v. Jessica C. Oberkramer*, St. Louis Co. Cir. Ct., Case No. 2103R-05188-01.
20. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Oberkramer a motor vehicle extended service contract producer license under § 385.209.1(5).
21. The above-described instances are grounds upon which the Director may refuse to issue Oberkramer a motor vehicle extended service contract producer license. Oberkramer has two felony convictions and Oberkramer failed to disclose a 2017 Theft conviction in response to Background Information Question Number 1 on the Application. Finally,

Oberkramer failed to respond to two Division inquiry letters and she did not demonstrate reasonable justification for any delay.

22. The Director has considered Oberkramer's history and all of the circumstances surrounding Oberkramer's Application and exercises her discretion to refuse to issue Oberkramer a motor vehicle extended service contract producer license.
23. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **Jessica C. Oberkramer** is hereby **REFUSED**.

SO ORDERED.

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


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 13th day of August, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, at the following address:

Jessica Oberkramer
809 Blumhoff Ave.
Wentzville, Missouri 63385

Tracking No. 1Z0R15W84298268757



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