



## State of Missouri

### DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:

Robert J. Peters, Jr.,

Applicant.

)  
)  
)  
)  
)

Case No. 12-0509393C

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

On September 14, 2012, 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 Robert J. Peters, Jr. After reviewing the Petition, the 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. Robert J. Peters, Jr., ("Peters") is a Missouri resident with a residential address of 1242 Clanfield, Florissant, Missouri 63031.
2. On December 19, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Peters' Application for Motor Vehicle Extended Service Contract Producer License ("Initial Application"). Peters submitted another Application on April 9, 2012 ("Final Application").
3. The "Applicant's Certification and Attestation" section of the Final 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. Peters signed the Final Application in the "Applicant's Certification and Attestation" section.

5. Background Question No. 1 of the Final 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. Peters marked "Yes" to Question No. 1, and explained in an April 5, 2012 letter to the Department, that he "got behind on Child support because of employment but, got caught and am current" and that he had been "discharged from probation and child support pmts have been made..... This is ALL I have and all I was asked to provide." Peters also submitted a copy of a check stub from his employer, showing a "CHILD SUP" deduction from his gross pay and a letter notifying Peters that he had been discharged from his supervised probation in *State of Missouri v. Robert James Peters*, St. Charles Co. Cir. Ct. No. 04CR129539-01.
7. On April 27, 2005, Peters pled guilty to the Class A Misdemeanor of Passing a Bad Check – Less than \$500, in violation of § 570.120, RSMo (2004). The court suspended the imposition of sentence, placed Peters on supervised probation for one year, and ordered him to attend a financial management class within 90 days of his sentencing. A Discharge Recommendation was filed on June 16, 2006, recommending that Peters be discharged from the court-ordered probation on April 26, 2006. *State of Missouri v. Robert James Peters*, St. Charles Co. Cir. Ct., No. 04CR125921.
8. On November 21, 2005, Peters pled guilty to two counts of the Class D Felony of Criminal Non-Support, in violation of § 568.040. The court suspended the imposition of sentence on each count for a period of five years on each count. The court amended its Judgment on November 13, 2006, and sentenced Peters to three years' incarceration in

the Missouri Department of Corrections on both counts. *State of Missouri v. Robert Peters, Jr.*, St. Charles Co. Cir. Ct., No. 04CR129539-01.

9. On July 29, 2010, Peters pled guilty to the Class A Misdemeanor of Passing a Bad Check – Less than \$500, in violation of § 570.120, RSMo. The court suspended the imposition of sentence, placed Peters on supervised probation for two years, and ordered Peters to pay costs, fines, and \$100.92 in restitution. The court suspended Peters' probation on November 24, 2010 and issued a warrant against Peters. *State v. Robert James Peters*, Cole Co. Cir. Ct., No. 09AC-CR03735.
10. Peters failed to disclose the following convictions in response to Background Question No. 1 in his Final Application:
  - a. The Class A Misdemeanor of Passing a Bad Check – Less than \$500, in violation of § 570.120, RSMo. *State v. Robert James Peters*, St. Charles Co. Cir. Ct., No. 04CR125921;
  - b. The Class A Misdemeanor of Passing a Bad Check – Less than \$500, in violation of § 570.120, RSMo. *State v. Robert James Peters*, Cole Co. Cir. Ct., No. 09AC-CR03735.

#### CONCLUSIONS OF LAW

11. Section 385.209 RSMo (Supp. 2011) 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:

\* \* \*

    - (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[.]
12. 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 motor vehicle extended service contract producer license, but to protect the public.

13. Peters may be refused a motor vehicle extended service contract ("MVESC") producer license pursuant to § 385.209.1(3) for attempting to obtain a license through material misrepresentation or fraud. By signing the Application, Peters certified that all of the information submitted was true and complete. However, Peters provided false information or omitted pertinent or material information. Each of the following instances of material misrepresentation or fraud by Peters on his Application is a separate and sufficient ground for the Director to exercise his discretion to refuse the license:
  - a. Peters failed to disclose his conviction, as that term is defined in the Application, for the Class A Misdemeanor of Passing a Bad Check – Less than \$500, in violation of § 570.120, RSMo. *State v. Robert James Peters*, St. Charles Co. Cir. Ct., Case No. 04CR125921.
  - b. Peters failed to disclose on his Application his conviction, as that term is defined in the Application, for the Class A Misdemeanor of Passing a Bad Check – Less than \$500, in violation of § 570.120, RSMo. *State v. Robert James Peters*, Cole Co. Cir. Ct., Case No. 09AC-CR03735.
14. Peters' false or omitted information is material because such information would affect the Director's decision to issue a license. Peters is trying to conceal the information in an attempt to induce the Director to rely on Peters' Application to issue a MVESC producer license.
15. Peters may be refused a MVESC producer license pursuant to § 385.209.1(5) because he has been convicted of the Class D Felony of Criminal Non-Support. *State of Missouri v. Robert Peters, Jr.*, St. Charles Co. Cir. Ct., Case No. 04CR129539-01.
16. Peters may be refused a MVESC producer license under § 385.209(12) because he has failed to comply with an administrative or court order imposing a child support obligation. Specifically, Peters' conviction in *State v. Peters*, Case No. 04CR129539-01, was based on Peters' failure to comply with an Administrative Order of Modification, Case No. 629596, entered in St. Louis County, Missouri.
17. Peters failed to disclose or misrepresented material facts on his Application that would impact his request for licensure; namely, two misdemeanor convictions, and his non-compliance with a child support order. Moreover, Peters' child support non-compliance is a separate ground upon which the Director may refuse to issue Peters a MVESC license. Finally, Peters has been convicted of one felony. Granting Peters a MVESC producer license would not be in the interest of the public. For all of the reasons given in this Petition, the Director should consider Peters' history and all of the circumstances surrounding Peters' Application and exercise his discretion to refuse Peters' motor vehicle extended service contract producer license.

18. The Director has considered Peters' history and all of the circumstances surrounding his application. Granting Peters a motor vehicle service contract producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse Peters' motor vehicle extended service contract producer license.
19. The order is in the public interest.


**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service producer license application of **Robert J. Peters, Jr.**, is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 17<sup>th</sup> DAY OF SEPTEMBER, 2012.



  
**JOHN M. HUFF**  
**DIRECTOR**

**NOTICE**

**TO: Applicant and any unnamed persons aggrieved by this Order:**

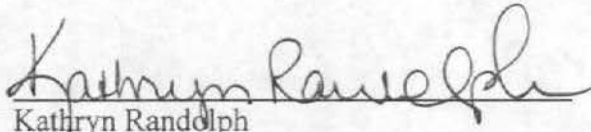
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 19th day of September, 2012 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following addresses:

Robert J. Peters, Jr.  
1242 Clanfield  
Florissant, MO 63031

Certified No. 7009 3410 0001 8931 3582



Kathryn Randolph  
Paralegal

Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: [kathryn.randolph@insurance.mo.gov](mailto:kathryn.randolph@insurance.mo.gov)