



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:

DOUGLAS PATRICK PFLEGER,

Applicant.

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Case No. 1902250330C

**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 other relevant documents, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Douglas Patrick Pflieger (“Pflieger”) is a Missouri resident with a residential and mailing address of 332 Pecan Bluffs Drive, Wentzville, Missouri 63385.
2. On March 8, 2012, the Department of Insurance, Financial Institutions and Professional Registration (“Department”)¹ issued Pflieger a motor vehicle extended service contract producer license, number 8120984.
3. On January 5, 2016 the Department received a renewal application from Pflieger (“Renewal Application”).
4. The Renewal Application’s “Applicant’s Certification and Attestation” section

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

provides, 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.

5. Pfleger signed the Renewal Application before a notary and under oath.
6. Background Information Question Number 1 of the Renewal 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, which has not been previously reported to this insurance department?
7. Pfleger answered “No” to Background Information Question Number 1 on his Renewal Application.
8. Contrary to his “No” answer, Pfleger had a misdemeanor charge for the Class A Misdemeanor of Possession of a Controlled Substance, in violation of § 195.202.² *State v. Douglas P. Pfleger*, Cole Co. Assoc. Cir. Ct., Case No. 09AC-CR01455-01. On February 16, 2010, the Cole County Associate Circuit Court held a trial. *Id.* On March 9, 2010, the court found Pfleger guilty. *Id.* On April 20, 2010, Pfleger received a suspended imposition of sentence, with two years of unsupervised probation and 10 days in the county jail. *Id.*
9. On March 7, 2016 Pfleger and the Department entered into a Voluntary Forfeiture Agreement due to Pfleger’s failure to disclose his 2010 misdemeanor possession charge on his Renewal Application. Pfleger’s license was renewed. On the same day, the Division sent Pfleger a letter stating that a Voluntary Forfeiture Agreement is a reportable action.
10. Pfleger failed to renew his motor vehicle extended service contract producer license and it expired on March 8, 2018.

² All criminal statutory references are to the version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

11. On November 19, 2018, the Department received Pflieger's completed application for motor vehicle extended service contract producer license ("2018 Application").³
12. The 2018 Application's "Applicant's Certification and Attestation" section provides, 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.

13. Pflieger signed the 2018 Application before a notary and under oath.
14. Background Information Question Number 1 of the 2018 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?

15. Pflieger answered "Yes" to Background Information Question Number 1 of the 2018 Application. Pflieger provided documents with the 2018 Application showing that in 2017, he received a suspended imposition of sentence for the Class B Misdemeanor of Peace Disturbance, in violation of § 574.010, and was placed on unsupervised probation for two years. *State v. Douglas Pflieger*, St. Charles Assoc. Cir. Ct., Case No. 1611-CR02709. Pflieger was ordered not to have contact with the victim, and he was required to complete substance abuse evaluation and treatment as recommended and anger management class. *Id.*
16. Pflieger did not disclose the suspended imposition of sentence that he received in 2010 for misdemeanor possession of marijuana, *see State v. Douglas P. Pflieger*, Cole Co. Assoc. Cir. Ct., Case No. 09AC-CR01455-01, on his 2018 Application.
17. Background Information Question Number 2 of the 2018 Application asks, in relevant part:

Have you ever been named or involved as a party in an administrative

³ The 2018 Application was originally stamped "received July 6, 2018," but Pflieger failed to complete a signed, written statement as part of the 2018 Application. Once Pflieger did that, and signed the 2018 Application in front of a notary, the Department deemed his 2018 Application complete.

proceeding or action regarding any professional or occupational license or registration, or regarding the lack of such license or registration?

“Involved” means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, a **voluntary forfeiture**, a cease and desist order, a probation order, a consent order, or being placed on probation.

(Emphasis supplied).

18. Pfleger answered “No” to Background Information Question Number 2.
19. Contrary to his “No” answer, Pfleger entered into a Voluntary Forfeiture Agreement with the Division in 2016, as described above.
20. It is inferable, and hereby found as fact, that Pfleger failed to disclose the suspended imposition of sentence that he received in 2010 for misdemeanor Possession of a Controlled Substance in his Renewal Application and his 2018 Application, and that he failed to disclose the Voluntary Forfeiture Agreement that he entered into with the Department in his 2018 Application in order to improve the chances that the Director would renew his license in 2016 and issue a license to him in 2018.
21. The Employment History section of the 2018 Application prompted: “Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment and full-time education.”
22. In the Employment History Section on the 2018 Application, Pfleger indicated that he held the position of “Sales” for the following companies:
 - a. “U.S. Automotive Protection Services” in “O’Fallon MO” from October 2017 until March 2018,
 - b. “Protech” in “St. Peters MO” from July 2017 until November 2017,
 - c. “Simple Save Auto” in “St. Charles MO” from April 2017 until May 2017,
 - d. “Vehicle Solutions” in “St. Charles MO” from January 2017 until March 2017.
23. Pfleger did not list any additional employment past March 2018, even though he

first submitted his 2018 Application in July 2018. *See* n. 3, above.

24. Protech Vehicle Services, LLC (“Protech”) was licensed by the Department as a motor vehicle extended service contract business entity, producer number 8391998, on November 1, 2016. Protech is licensed to sell, offer, negotiate, and solicit motor vehicle extended service contracts with consumers. Protech’s address of record is 4085 N. St. Peters Parkway, St. Charles, Missouri 63304.
25. On November 26, 2018, Division Special Investigator Andrew Engler (“Engler”) sent Pflieger a letter asking Pflieger to provide his employment history from March 1, 2018 to the present.
26. On December 13, 2018, Engler received an email from Pflieger’s email address of record where Pflieger indicated that from July 2018 to the present he has been employed at Protech.
27. Engler replied to Pflieger’s email and asked Pflieger about his job duties at Protech, since Pflieger’s 2018 Application said that Pflieger had worked at Protech from July 2017 to November 2017. Pflieger replied to Engler via email and indicated that he was a transfer representative for the company and transferred calls to sales agents.
28. On December 17, 2018, Engler contacted Eric Vance (“Vance”), general manager at Protech. Vance indicated that Pflieger worked as a transfer representative. Engler indicated that he was concerned that Pflieger was selling motor vehicle extended service contracts without a license because Pflieger stopped listing his employment on his 2018 Application after his license expired in March 2018.
29. Also on December 17, 2018, Engler looked up Pflieger on Facebook. There, Engler found a December 3, 2018 post indicating that Pflieger had won an award for best salesman at Protech four months in a row.
30. Also on December 17, 2018, Engler called Vance and asked why Pflieger had just won his fourth award for top salesman. Vance indicated that transfer representatives play a role in sales and that was why Pflieger won the awards. Engler expressed disbelief that someone could be considered a company’s top salesman unless that person was actually selling, offering, negotiating or soliciting. Vance admitted that Pflieger made a couple of sales. Engler asked how a couple of sales could merit a top salesman award, and Vance admitted that he did not know how many sales Pflieger had made. Vance stated that Pflieger had started at Protech as a transfer representative and moved into sales; Vance indicated that he thought that Pflieger had taken care of his license months ago. Engler told Vance that he would be requesting further information from Vance regarding Pflieger’s sales.

31. Also on December 17, 2018, Vance contacted Engler and indicated that he had looked into Pflieger's sales. Vance indicated that Pflieger sold seventy-three (73) motor vehicle extended service contracts from July 2018 to November 2018. On December 19, 2018, Engler emailed Vance and asked him to provide a list of all motor vehicle extended service contracts that Protech sold to consumers from January 1, 2018 to December 18, 2018. On January 14, 2019, Vance provided a spreadsheet with this information to Engler. The spreadsheet shows seventy-three (73) sales attributed to Pflieger between July and November 2018.

CONCLUSIONS OF LAW

32. Section 385.209.1⁴ 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:

- (1) Filed an application for license in this state within the previous ten years, which, as of the effective date of the license, was incomplete in any material respect or contained incorrect, misleading, or untrue information;
- (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; [or]

* * *

- (11) Unlawfully acted as a producer without a license[.]

33. Section 385.206.1 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:

⁴ All civil statutory references are to the 2016 Missouri Revised Statutes.

* * *

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

34. Section 385.207.3 provides:

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.

35. The Director may refuse to issue Pflieger a motor vehicle extended service contract producer license pursuant to § 395.209.1(1) because Pflieger filed an application for license in this state within the previous ten years which, as of the effective date of the license, was incomplete in any material respect or contained incorrect, misleading or untrue information, in that Pflieger did not disclose on his Renewal Application the suspended imposition of sentence that he received in 2010 for misdemeanor Possession of Controlled Substance. *State v. Douglas P. Pflieger*, Cole Co. Assoc. Cir. Ct., Case No. 09AC-CR01455-01.

36. The Director may refuse to issue Pflieger a motor vehicle extended service contract producer license pursuant to § 385.209.1(2) because Pflieger violated a provision in §§ 385.200 to 385.220, namely, § 385.206.1(6), in conjunction with § 385.207.3, when Pflieger unlawfully, in or from Missouri, sold, offered, negotiated, or solicited seventy-three (73) motor vehicle extended service contracts from July 2018 to November 2018 during his employment at Protech and without being an individual licensed under § 385.207.

37. Each time Pflieger sold, offered, negotiated, or solicited a motor vehicle extended service contract with a consumer without being an individual licensed under § 385.207 is a separate violation of § 385.206.1. Each time Pflieger violated § 385.206.1 is a separate and sufficient ground for refusal pursuant to § 385.209.1(2).

38. The Director may refuse to issue Pflieger a motor vehicle extended service contract producer license pursuant to § 385.209.1(3) because Pflieger attempted to obtain a license through material misrepresentation or fraud when he failed to disclose on his 2018 Application the fact that he received a suspended imposition of sentence for misdemeanor Possession of a Controlled Substance in 2010. *State v. Douglas P. Pflieger*, Cole Co. Assoc. Cir. Ct., Case No. 09AC-CR01455-01.

39. The Director may refuse to issue Pflieger a motor vehicle extended service contract producer license pursuant to § 385.209.1(3) because Pflieger attempted to obtain a license through material misrepresentation or fraud when he failed to disclose the Voluntary Forfeiture Agreement that he entered into with the Department in 2016 in response to Background Information Question Number 2 on the 2018 Application.
40. The Director may refuse to issue Pflieger a motor vehicle extended service contract producer license pursuant to § 385.209.1(11) because he unlawfully acted as a motor vehicle extended service contract producer without a license.
41. The above-described instances are grounds upon which the director may refuse to issue a motor vehicle extended service contract producer license to Pflieger. Pflieger misrepresented his criminal history on his Renewal Application and he misrepresented his criminal and administrative history on his 2018 Application. Moreover, Pflieger has sold numerous motor vehicle extended service contracts without being properly licensed to do so.
42. The Director has considered Pflieger's history and all of the circumstances surrounding Pflieger's 2018 Application. Issuing a motor vehicle extended service contract producer license to Pflieger would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse Pflieger's 2018 Application for a motor vehicle extended service contract producer license.
43. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license 2018 Application of **Douglas Patrick Pflieger** is hereby **REFUSED**.

SO ORDERED. WITNESS MY HAND THIS 23rd **DAY OF** December,

2020.




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 29th day of December, 2020, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, with signature required, at the following address:

Douglas Patrick Pflieger
332 Pecan Bluffs Drive
Wentzville, Missouri 63385

Tracking No. 1Z0R15W8A895969040



Kim Landers
Missouri Department of Commerce
and Insurance
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492