



**DEPARTMENT OF COMMERCE AND INSURANCE**

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

**IN RE:**

**JOSE LUIS PLANCARTE,**

**Applicant.**

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**Case No. 2408270594C**

**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 the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order.

**FINDINGS OF FACT**

1. On April 6, 2023, the Department received an application for a Motor Vehicle Extended Service Contract Producer License (“Application”) from Jose Luis Plancarte (“Plancarte”). The home address provided on the Application was 3377 Hollenberg, Bridgeton, Missouri 63044.
2. Background Information Question 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?
3. Plancarte answered “No” to Background Information Question 1 on his Application.
4. An investigation conducted by the Division revealed that Plancarte was charged by the United States with a violation of 18 U.S.C. § 554, which has the following

elements: (1) fraudulently or knowingly attempted to export or send merchandise, an article or object; (2) from the United States; and (3) contrary to law or regulation of the United States, namely 22 U.S.C. § 2778 and its implementing regulations. The Government alleged that Plancarte attempted to export an item that was on the United States Munitions List from the United States to Colombia (South America) and that he knowingly made a materially false statement regarding the exportation.

5. In 2015, Plancarte entered into a Plea Agreement and agreed to plead guilty to a violation of 18 U.S.C. § 554, smuggling goods from the United States. *United States v. Plancarte*, Dist. Ct. Colo., Case No. 1:15-CR-0017-WYD.
6. On October 29, 2015, the court sentenced Plancarte to probation for a term of five years with various conditions.
7. On December 12, 2017, Plancarte was found guilty of violating the conditions of his probation and was sentenced to a total term of eleven months in the Federal Bureau of Prisons.
8. On April 13, 2023, Division Investigator Kevin Davidson sent an inquiry letter to Plancarte at the residential address included on the Application: 3377 Hollenberg, Bridgeton, Missouri 63044. Investigator Davidson requested a written explanation regarding the circumstances surrounding the charge and why Plancarte failed to disclose the information on his application. Investigator Davidson also requested certified court records relating to the charge. The inquiry letter cited 20 CSR 100-4.100 and advised that the response was due within twenty days.
9. On May 1, 2023, Investigator Davidson received an email from Debbie Colvin, Administrative Assistant at Feezor Engineering in Bridgeton, Missouri where, according to Plancarte's Application, Plancarte had worked from January 2022 through December 2022. Ms. Colvin advised that Plancarte was previously employed by Feezor Engineering but no longer worked there. She also advised that the address, 3377 Hollenberg, Bridgeton, Missouri, was Feezor Engineering's work address and not Plancarte's personal address.
10. Investigator Davidson searched for, and found, a more recent address for Plancarte: 1215 Lewis Lane, Colorado Springs, Colorado 80915.
11. Investigator Davidson did not receive a response to the inquiry letter sent to the address in Bridgeton, Missouri.
12. It is inferable, and hereby found as fact, that Plancarte failed to disclose his felony conviction in *United States v. Plancarte*, United States Dist. Ct., Colo., Case No. 1:15-CR-0017-WYD in order to misrepresent to the Director the extent of his

criminal history in the hope that the Director would look more favorably on his Application and issue a license to him.

**CONCLUSIONS OF LAW**

13. Section 385.209, RSMo (2023)<sup>1</sup> provides, in relevant 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; [or]

\* \* \*

(5) Been convicted of any felony.

14. Plancarte's Application may be refused under § 385.209.1(3) because he attempted to obtain the license through a material misrepresentation in that he failed to disclose that he pled guilty to a felony in federal court for smuggling items out of the country in violation of 18 U.S.C. § 554. *United States v Plancarte*, U.S. Dist. Ct. Colo., Case No. 1:15-CR-0017-WYD.

15. Plancarte's Application may be refused under § 385.209.1(5) because he was convicted of a felony in federal court for smuggling out of the country in violation of 18 U.S.C. § 554. *United States v Plancarte*, U.S. Dist. Ct. Colo., Case No. 1:15-CR-0017-WYD.

16. The Director has considered Plancarte's history and all of the circumstances surrounding his Application.

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<sup>1</sup> All civil statutory references are to Revised Statutes of Missouri (2023) unless otherwise indicated.

- 17. Given these facts, granting Plancarte a motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue a motor vehicle extended service contract producer license to him.
- 18. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license application of **JOSE LUIS PLANCARTE** is hereby **REFUSED**.

WITNESS MY HAND THIS 08<sup>th</sup> DAY OF October,  
2024.

*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 321.120, 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 the 8th day of October, 2024, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service (UPS), with signature required, at the following address:

Jose Luis Plancarte  
1215 Lewis Lane  
Colorado Springs, CO 80915

Tracking No. 1Z0R15W84299263509



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