



## State of Missouri

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

IN RE:

COREY MATTHEWS RIEHL,

Applicant.

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Case No. 140429430C

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

On May 21, 2014, 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 Corey Matthews Riehl. 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. Corey Matthews Riehl ("Riehl") is a Missouri resident with a residential address of record of 127 Savannah Garden Drive, O'Fallon, Missouri 63366.
2. On December 27, 2011, the Department of Insurance, Financial Institutions, and Professional Registration ("Department") received Riehl's Application for Motor Vehicle Extended Service Contract Producer License ("2011 Application").
3. The "Applicant's Certification and Attestation" section of the 2011 Application states in pertinent 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.

4. Riehl accepted the "Applicant's Certification and Attestation" section of the 2011 Application by his signature dated December 15, 2011.

5. Riehl answered "No" to Background Information Question Number 1 of the 2011 Application which reads:

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 and 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 was 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. Relying on Riehl's responses in his 2011 Application made under penalty of perjury, the Department issued a motor vehicle extended service contract ("MVESC") producer license to Riehl on January 1, 2012. This license expired on January 1, 2014.
  7. On December 31, 2013, the Department received Riehl's Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2013 Application").
  8. The "Applicant's Certification and Attestation" section of the 2013 Application states in pertinent 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.

9. Riehl accepted the "Applicant's Certification and Attestation" section of the 2013 Application by his signature.



10. Riehl answered "No" to Background Information Question Number 1 of the 2013 Application which reads:

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?

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

"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, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was 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").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment

11. During its investigation, the Consumer Affairs Division ("Division") discovered that on September 18, 2011 Riehl was charged with Tampering with Motor Vehicle in the First Degree, a Class C Felony, in violation of § 569.080 and Resisting or Interfering with Arrest, Detention, or Stop, a Class A Misdemeanor, in violation of § 575.150. On March 21, 2012, Riehl pled guilty to both counts. The court sentenced Riehl to six months of incarceration. *State v. Corey M. Riehl*, St. Charles Co. Cir. Ct., Case No. 1111-CR04925.
12. Riehl was charged in Case No. 1111-CR04925 on September 18, 2011, served with a warrant on September 19, 2011, and appeared in court on September 26, 2011. *Id.* It is inferable and hereby found that, based on these events and their proximity in time to when Riehl signed the 2011 Application on December 15, 2011, Riehl knew that criminal charges were pending against him.

13. On February 11, 2014, in response to the Division's inquiry, the Division received a letter from Riehl dated February 7, 2014 which detailed the events that gave rise to his convictions and explained that his failure to disclose the convictions on the 2013 Application was because he "was under the impression this appeared last time [he] renewed [his] MVESC producer license 2.5 years ago."

### CONCLUSIONS OF LAW

14. Section 385.209 RSMo. (Supp. 2013)<sup>1</sup> provides in pertinent 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:

(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;

\* \* \*

(5) Been convicted of any felony[.]

\* \* \*

7. Within thirty days of the initial pretrial hearing date or arraignment, a producer shall report to the director any felony proceeding initiated by any state or the United States for any violation of law by the producer. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant legal documents.

15. 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

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<sup>1</sup> All statutory references are to RSMo. (2000) as updated by RSMo. (Supp. 2013) unless otherwise noted.



applicants for a MVESC producer license, but to protect the public.

16. The Director may refuse to issue a MVESC producer license to Riehl under § 385.209.1(1) because Riehl's 2011 Application was both untrue and incomplete in material respects. It was untrue because Riehl responded "No" to Background Information Question Number 1 when charges were pending against him, and it was incomplete because Riehl did not attach or include the documents requested of applicants with prior criminal histories referenced by Background Information Question Number 1.
17. The Director may refuse to issue a MVESC producer license to Riehl under § 385.209.1(2) because Riehl violated a provision found in §§ 385.200 to 385.220, specifically § 385.209.7, when Riehl failed to report to the Director the felony proceeding initiated against him within thirty days of the initial pretrial hearing date or arraignment. In Case No. 1111-CR04925, Riehl was charged with a felony on September 18, 2011 and pled guilty to that felony on March 21, 2012. Riehl reported the felony proceeding to the Director for the first time on February 7, 2014, more than two years after the felony proceedings were initiated, and only after information on the case was requested from him by the Division.
18. The Director may refuse to issue a MVESC producer license to Riehl under § 385.209.1(3) because Riehl obtained a MVESC producer license through material misrepresentation or fraud. Riehl falsely answered "No" to Background Information Question Number 1 of the 2011 Application and failed to disclose his pending criminal case in order to misrepresent to the Director that he had no criminal history.
19. The Director may refuse to issue a MVESC producer license to Riehl under § 385.209.1(3) because Riehl attempted to obtain a MVESC producer license through material misrepresentation or fraud. Riehl falsely answered "No" to Background Information Question Number 1 of the 2013 Application and failed to disclose his convictions in order to misrepresent to the Director that he had no criminal history, and, accordingly, in order to improve the chances that the Director would approve the 2013 Application and issue him a MVESC producer license.
20. Each instance in which Riehl falsely answered "No" to Background Information Question Number 1 constitutes a separate and sufficient cause for refusal under § 385.209.1(3).
21. The Director may refuse to issue a MVESC producer license to Riehl under § 385.209.1(5) because Riehl has been convicted of a felony. Riehl pled guilty to Tampering with Motor Vehicle in the First Degree, a Class C Felony, in violation of § 569.080. *State v. Corey M. Riehl*, St. Charles Co. Cir. Ct., Case No. 1111-CR04925.

22. The Director has considered Riehl's history and all of the circumstances surrounding Riehl's 2013 Application, including the infirmities of the 2011 Application. Issuing a MVESC producer license to Riehl would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a MVESC producer license to Riehl.
23. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license application of **Corey Matthews Riehl** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 23<sup>RD</sup> DAY OF MAY, 2014.



  
JOHN M. HUFF  
DIRECTOR

NOTICE

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

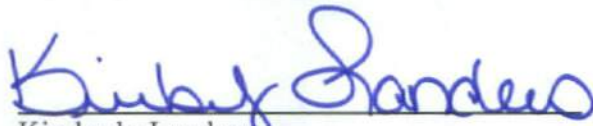
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 23<sup>rd</sup> day of May, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Corey Matthews Riehl  
127 Savannah Garden Drive  
O'Fallon, Missouri 63366

No. 1Z0R15W80399532176



Kimberly Landers  
Paralegal  
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Institutions and Professional Registration  
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