



**DEPARTMENT OF COMMERCE AND INSURANCE**

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

**IN RE:** )  
 )  
**BRADLEE JOHN SANDS,** ) **Case No. 1904250679C**  
 )  
**Applicant.** )

**ORDER REFUSING TO ISSUE 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 the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Bradlee John Sands (“Sands”) is a Missouri resident with a residential address of 83 Sanke, Steeleville, Missouri, 65565.
2. On December 7, 2018, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) <sup>1</sup> received Sands’ Application for a motor vehicle extended service contract producer license (“Application”) along with attachments.
3. The Application contains an Applicant’s Certification and Attestation section, which states 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

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

revocation or denial of the license and may subject me to civil or criminal penalties.

4. Background Information Question Number 1 of the Applications 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?

“Crime” includes a misdemeanor, felony or a military offense.

5. Sands answered “Yes” to Background Information Question Number 1.
6. With his Application, Sands included certified copies of court documents disclosing that on or about September 20, 2010, he entered a plea of guilty in Crawford County Circuit Court of Missouri to the Class C Felony of Burglary in the Second Degree, a violation of §569.170 RSMo.<sup>2</sup> *State v. Bradlee Sands*, Crawford Co. Cir. Ct., 10CF-CR00366-01. He received a suspended imposition of sentence, with five years of supervised probation. That probation was revoked on December 17, 2012, and he was sentenced to serve seven years in the Missouri Department of Corrections.<sup>3</sup>
7. With his Application, Sands included a written statement that reads, verbatim in its relevant parts:

I Bradlee Sands committed [sic] a crime back in 2009 of Burglary of the 2<sup>nd</sup> degree. I was 17 and very wreckless.[sic] I committed [sic] the crime with two other bystandards [sic] one of them being my younger brother. Since then I have served time, done countless hours of community service, and rehabilitated myself to gain dignity, strength, [sic] and trust back within my townsman [sic]. I have worked, learned my struggles and have grown substantially in mind, apologies as for that? [sic] I cannot say sorry enough only to keep moving forward to be a tolerated honest citizen [sic].

8. Contrary to Sands’ sworn attestation that all of the information submitted in his application and attachments was true and complete, Sands’ criminal history is more extensive than what Sands disclosed in his application:
- a. On August 12, 2016, Sands entered a plea of guilty to a class A misdemeanor charge: Possession of up to 35 Grams of Marijuana, in violation of §195.202 RSMo. *State v. Bradlee Sands*, Crawford Co. Cir. Ct., 16CF-CR000692. Also on August 12, 2016, Sands entered a plea to the class A misdemeanor charge of Unlawful Use of Drug Paraphenalia, in violation of RSMo §195.233. *Id.* He was

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<sup>2</sup> All statutory references are to the Revised Statutes of Missouri in effect at the time of offense, unless otherwise noted.

<sup>3</sup> That sentence made pursuant to §559.115.

sentenced to pay a fine of \$406.50, including court costs.

- b. On September 7, 2018, Sands entered a plea of guilty to a class D misdemeanor charge: Possession Marijuana/Synthetic Cannaboid of 10 Grams or Less, in violation of RSMo §579.015, *State v. Bradlee Sands*, Crawford Co. Cir. Ct., 18CF-CR000155. Also on September 7, 2018, Sands entered a plea of guilty to a class D misdemeanor charge of Unlawful Use of Drug Paraphernalia, in violation of RSMo §579.074, *State v. Bradlee Sands*, Crawford Co. Cir. Ct., 18CF-CR000155. He was sentenced to pay a fine of \$50, with court costs.
9. On December 12, 2018, Division Special Investigator Andrew Engler (“Engler”) sent an inquiry letter via first class mail to Sands at the address provided in the Application. In his letter, Engler asked Sands to provide an explanation for his failure to disclose the misdemeanor convictions. 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.”
  10. The inquiry letter dated December 12, 2018 was not returned as undeliverable to the Division, and therefore, it is presumed received.
  11. Sands did not respond to Engler’s December 12, 2018 inquiry letter, and he did not demonstrate reasonable justification for any delay.
  12. On January 7, 2019, Engler sent another inquiry letter to Sands via first-class mail to Sands’ residential address. In his letter, Engler again asked Sands to explain why he had failed to disclose his charges of “Possession of up to 35 Grams Marijuana”, “Unlawful Use of Drug Paraphernalia” and “Possession of Marijuana/Synthetic Cannabinoid of 10 Grams or Less.” Engler stated that “[p]ursuant to 20 CSR 100-4.100, your response was due within twenty days. I will allow you to respond within an additional twenty days. Failure to respond could result in a refusal to issue your MVESC license.
  13. The inquiry letter dated January 7, 2019 was not returned as undeliverable to the Division, and therefore, it is presumed received.
  14. Sands did not respond to Engler’s January 7, 2019 inquiry letter, and he did not demonstrate reasonable justification for any delay.
  15. On February 4, 2019, Sands called Engler to ascertain the status of his application. Sands claimed that he had not received Engler’s past letters. Sands provided a new residential address of 15 S Joyce Ellen Way, St. Peters, MO 63376 and an e-mail address.
  16. On February 5, 2019, Engler sent a third inquiry letter to Sands via first-class mail, postage prepaid, to the new address that Sands provided on February 4, 2019. In his letter, Engler again asked Sands to explain why he had failed to disclose his four misdemeanor charges of “Possession of Marijuana under 35 Grams,” “Possession of Marijuana/Cannabinoid of 10 Grams or Less,” and “Unlawful Use of Drug Paraphernalia.” Engler stated that

“[p]ursuant to 20 CSR 100-4.100, your response is due within twenty days. Failure to respond could result in a refusal to issue your MVESC license.”

17. Sands responded to the February 5, 2019 letter from Engler with the following statement, which was mailed to the Division, produced here verbatim:

I Bradley J Sands got charged Mar/5/2018 with possession of 10 grams or less misdemeanor D [sic].

I was a passenger in my own vehicle. We got pulled over. I had marijuana in my car. I got the ticket and I paid my fine the Crawford County courts.

18. Although Sands provided an updated residential address to Engler, the address on the letter he addressed to the Division was the address originally provided in his application.<sup>4</sup>
19. In addition to his statement, Sands also provided the certified court records for the Possession of Marijuana/Cannabinoid of 10 Grams or Less and Unlawful use of Drug Paraphernalia. *State v. Bradley Sands*, Crawford Co. Cir. Ct., 18CF-CR000155.
20. Sands did not provide certified court records for his misdemeanor Possession of Marijuana and Unlawful Use of Drug Paraphernalia convictions from August 12, 2016. *State of Missouri v. Bradley Sands*, Circuit Court of Crawford Co., 16CF-CR000692.
21. It is inferable and hereby found as fact that Sands did not disclose his misdemeanor convictions to increase his chances at receiving a license.

### CONCLUSIONS OF LAW

22. “There is a presumption that a letter duly mailed has been received by the addressee.” *Clear v. Missouri Coordinating Bd. For Higher Educ.*, 23 S.W. 3d 896, 900 (Mo.App. 2000) (internal citations omitted).
23. Section 385.209.1, RSMo 2016,<sup>5</sup> 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

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<sup>4</sup> Sands provided Engler with a new address of 15 S Joyce Ellen Way, St. Peters, MO 63376 during his February 4, 2019 phone call; however when he mailed his statement concerning his criminal history to Engler, the return address on the mailing was the address he had originally provided to the Division, 83 Sanke, Steeleville, MO 65565, not the aforementioned new address.

<sup>5</sup> All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

rule, subpoena or order of the director;

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud; [or]

\* \* \*

(5) Been convicted of any felony[.]

24. 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 the delay.

25. The Director may refuse to use a motor vehicle extended service contract license to Sands under §385.209.1(2) because Sands violated 20 CSR 100-4.100(2)(A), a rule of the Director, in that Sands failed to respond to two written inquiries from the Division from December 12, 2018, and January 7, 2019, and Sands failed to demonstrate reasonable justification for any delay.
26. 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 Sands under §385.209.1(2).
27. The Director may refuse to issue a motor vehicle extended service contract producer license to Sands under §385.209.1(3) because Sands attempted to obtain a license through material misrepresentation or fraud in that Sands failed to disclose his full criminal history. *State v. Bradlee Sands*, Crawford Co. Cir. Ct., 16CF-CR000692 and *State v. Bradlee Sands*, Crawford Co. Cir. Ct., 18CF-CR000155.
28. The Director may refuse to issue a motor vehicle extended service contract license to Sands under §385.209.1(5) because Sands has been convicted of a felony charge, namely:
- a. Burglary in the Second Degree, in violation of §569.170 RSMo, *State v. Bradlee Sands*, Crawford Co. Cir. Ct., 10CF-CR00366-01.
29. The Director has considered Sands' history and all of the circumstances surrounding Sands' Application and exercises her discretion to refuse to issue Sands a motor vehicle extended service contact producer license.
30. This Order is in the public interest.

**ORDER**

**IT IS THEREBY ORDERED** that the motor vehicle extended service contract producer license application of **Bradlee John Sands** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 18<sup>th</sup> DAY OF February, 2020.



*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 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 20th of February, 2020, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Bradlee John Sands  
83 Sanke  
Steeleville, MO 65565

No. 1Z0R15W84293862499



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