



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)
)
 WILLIAM ANDREW AYERS JR.,) Case No. 2104200708C
)
 Applicant.)

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

CHLORA LINDLEY-MYERS, Director of the Department of Commerce and Insurance (“Director” of the “Department”), 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. William Andrew Ayers Jr. (“Ayers”) is a Missouri resident with a residential address of 111 E. Maple Street, Wentzville, Missouri 63385.
2. In 2013, the Department of Insurance, Financial Institutions and Professional Registration¹ received an Application for Motor Vehicle Extended Service Contract Producer License (“2013 Application”) from Ayers.
3. Background Information Question Number 1 of the 2013 Application asks, in relevant part:

¹ 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.

Have you ever been convicted of a crime, had a judgement [sic] withheld or deferred, or are you currently charged with committing a crime?

4. Ayers initially answered “Yes” to Background Information Question Number 1 on his 2013 Application, but then answered “No.”
5. EJ Jackson, then a Special Investigator with the Division of Consumer Affairs (“Division”), investigated Ayers’ 2013 Application and discovered that in 1999, Ayers had a criminal case for Attempted Theft By Control and/or By Controlling Stolen Property. *State of Arizona v. William Andrew Ayers*, Pima County Sup. Ct., Case No. CR-62046.
6. On or about September 17, 2013, the Department of Insurance, Financial Institutions and Professional Registration entered into a Voluntary Forfeiture Agreement (“VFA”) with Ayers. *In re: William A. Ayers*, DIFP Tracking ID 199665 E. In the VFA, Ayers admitted that he failed to disclose the above-referenced Arizona criminal case on his 2013 Application. Also as part of the VFA, Ayers agreed to pay a \$250.00 voluntary forfeiture.
7. On or about September 19, 2013, the Department of Insurance, Financial Institutions and Professional Registration issued a motor vehicle extended service contract producer license to Ayers, who subsequently let that license expire in 2019.
8. In August 2020, the Department received an Application for Motor Vehicle Extended Service Contract Producer License and additional documents from Ayers (“2020 Application”).
9. Background Information Question Number 1 of the 2020 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?*

(emphasis added).

10. The Applicant’s Certification and Attestation section of the 2020 Application provides as follows:

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.

11. Ayers signed the Applicant's Certification and Attestation section of the 2020 Application before a notary public.
12. Ayers answered "Yes" to Background Information Question Number 1 on his 2020 Application.
13. Along with his 2020 Application, Ayers provided documents showing municipal charges against him for assault, trespassing, and harassment for which the court suspended imposition of sentence and placed him on probation. *City of St. Ann v. William Ayers*, St. Ann Municipal Court, Case No. 184-MU00108.
14. Ayers did not, however, disclose his Arizona criminal case for Attempted Theft By Control and/or By Controlling Stolen Property in his 2020 Application. *State of Arizona v. William Andrew Ayers*, Pima County Sup. Ct., Case No. CR-62046.
15. Further investigation by the Division also revealed that Ayers had other criminal charges in state court not reflected on his 2020 Application, as follows:
 - a. On February 21, 2019, the St. Louis County Prosecuting Attorney charged Ayers by Information with Terrorist Threat – 3rd Degree, a Class A Misdemeanor, in violation of § 574.125,² and Violation of an Order of Protection for Adult – 1st Offense, a Class A Misdemeanor, in violation of §§ 455.010 and 455.085. *State v. William A. Ayers*, St. Louis Co. Cir. Ct., Case No. 19SL-CR01280. This case is still pending. *Id.*
 - b. On January 16, 2019, the St. Charles County Prosecuting Attorney charged Ayers by Complaint with Attempted Stealing, a Class E Felony, in violation of § 570.030. *State v. William A. Ayers, Jr.*, St. Charles Co. Cir. Ct., Case No. 1911-CR00203. This case is still pending. *Id.*
16. Background Information Question Number 2 of the 2020 Application asks, in relevant part:

Have you ever been named or involved as a party in an administrative proceeding or action regarding any professional or occupational

² This and all further criminal statutory citations are to that version of RSMo in effect at the time of the commission of the crime.

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 prohibition order, a consent order, or being placed on probation. “Involved” also includes the act of surrendering a license to resolve an administrative proceeding or action. “Involved” also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license or is related to the lack of such license. “Involved” also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions or because of your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

(emphasis added).

17. Ayers answered “No” to Background Information Question Number 2 on his 2020 Application.
18. It is inferable, and hereby found as fact, that Ayers failed to include his Arizona criminal case on his 2013 Application, and his Arizona criminal case, pending Missouri criminal cases, and administrative action (the 2013 VFA) on his 2020 Application in the hopes that the Director would look more favorably upon his applications and grant a motor vehicle extended service contract producer license to him.

CONCLUSIONS OF LAW

19. Section 385.209.1,³ 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:

³ This and all further civil statutory citations are to RSMo 2016 unless otherwise noted.

(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; [or]

* * *

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

20. The Director may refuse to issue a motor vehicle extended service contract producer license to Ayers under § 385.209.1(1), because Ayers 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 in his 2013 Application, Ayers failed to disclose his Arizona criminal charges. *State of Arizona v. William Andrew Ayers*, Pima County Sup. Ct., Case No. CR-62046.
21. The Director may refuse to issue a motor vehicle extended service contract producer license to Ayers under § 385.209.1(3), because Ayers obtained or attempted to obtain a license through material misrepresentation or fraud, in that Ayers failed to disclose his Arizona criminal case for Attempted Theft By Control and/or By Controlling Stolen Property in response to Background Question Number 1 on his 2020 Application. *State of Arizona v. William Andrew Ayers*, Pima County Sup. Ct., Case No. CR-62046.
22. The Director may refuse to issue a motor vehicle extended service contract producer license to Ayers under § 385.209.1(3), because Ayers obtained or attempted to obtain a license through material misrepresentation or fraud, in that Ayers failed to disclose the criminal cases pending against him in response to Background Question Number 1 at the time he filed his 2020 Application. *State v. William A. Ayers*, St. Louis Co. Cir. Ct., Case No. 19SL-CR01280; *State v. William A. Ayers, Jr.*, St. Charles Co. Cir. Ct., Case No. 1911-CR00203.
23. The Director may refuse to issue a motor vehicle extended service contract producer license to Ayers under § 385.209.1(3), because Ayers obtained or attempted to obtain a license through material misrepresentation or fraud, in that Ayers failed to disclose an administrative action against him (his 2013 VFA) in response to Background Question Number 2 at the time he filed his 2020 Application. *In re: William A. Ayers*, DIFP Tracking ID 199665 E.

24. Each time Ayers obtained or attempted to obtain a license through material misrepresentation or fraud constitutes a sufficient ground to refuse to issue a motor vehicle extended service contract producer license to him under § 385.209.1(3).
25. The above-described instances constitute grounds upon which the Director may refuse to issue Ayers a motor vehicle extended service contract producer license. More than once, Ayers has failed to provide complete and truthful information in his license applications.
26. The Director has considered Ayers' history and all of the circumstances surrounding Ayers' 2020 Application. Issuing a motor vehicle extended service contract producer license to Ayers would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Ayers a motor vehicle extended service contract producer license.
27. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **William Andrew Ayers Jr.** is hereby **REFUSED**.

SO ORDERED. **WITNESS MY HAND THIS** 06th **DAY OF**
June, 2022.



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.

[The remainder of this page intentionally left blank.]

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June, 2022, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following addresses:

William Andrew Ayers Jr.
111 E. Maple Street
Wentzville, Missouri 63385

Tracking No. 1Z0R15W84297212880

William Andrew Ayers Jr.
840 Teson Road
St. Louis, Missouri 63042

Tracking No. 1Z0R15W84291352936


Kathryn Latimer, Paralegal
Missouri Department of Commerce
and Insurance
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: Kathryn.latimer@insurance.mo.gov