

**DEPARTMENT OF COMMERCE AND INSURANCE**

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

**IN RE:**

**JOSHUA DEMETRIUS FULLILOVE,**

**Applicant.**

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**Case No. 1904050609C**

**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 the entirety of the Petition file, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Joshua Demetrius Fullilove ("Fullilove") is a Missouri resident with a residential address of record of 4147 Edmundson, St. Louis, MO 63134.
2. On February 13, 2019, the Missouri Department of Insurance, Financial Institutions and Professional Registration<sup>1</sup> received Fullilove's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. 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

<sup>1</sup> 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.

sentence (“SIS”) or suspended execution of sentence (“SES”), or are you currently charged with committing a crime?

4. Because Fullilove answered “Yes” to this question, the Application required Fullilove to attach a written statement to the Application explaining the circumstances of each incident, a certified copy of the charging document, and a certified copy of the official document which demonstrated the resolution of the charges or any final judgment.
5. Fullilove attached to the Application a written statement and court documents regarding the following felony convictions:
  - a. On September 29, 2005, Fullilove pleaded guilty to one count of the Class D Felony of Unlawful Use of a Weapon in violation of § 571.030.<sup>2</sup> *State v. Joshua Demetrius Fullilove*, St. Louis City Cir. Ct., Case No. 22051-01392. Also on September 29, 2005, the court suspended imposition of sentence and placed Fullilove on probation for one year. *Id.*
  - b. On June 22, 2012, Fullilove pleaded of guilty to one count of the Class A Felony of Drug Trafficking in the Second Degree in violation of § 195.223 and one count of the Class C Felony of Assault on a Law Enforcement Officer in the Second Degree in violation of § 565.082. *State v. Joshua D. Fullilove*, St. Louis Cnty. Cir. Ct., Case No. 11SL-CR00722-01. Also on June 22, 2012, the court sentenced Fullilove to a total of 10 years’ imprisonment, but suspended execution of the sentence and placed Fullilove on probation for 5 years. Less than a month after sentencing, Fullilove was arrested for unlawful use of a weapon and possession of a controlled substance. Fullilove admitted to violating his probation, and the court revoked it. Fullilove’s incarceration ended when he was released on parole on September 23, 2014, and he was discharged from parole on December 6, 2017.
6. The applicant’s attestation section of the Application reads, 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

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<sup>2</sup> This and all other criminal statutory citations are to that version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

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

7. Fullilove certified this Attestation by signing the Application before a notary, who notarized it.
8. The Consumer Affairs Division (“Division”) conducted an investigation which revealed that Fullilove had not disclosed all of his convictions in response to Background Information Question 1. Fullilove had not disclosed that, on February 6, 2009, he had pleaded guilty to the Class A Misdemeanor of Possession of a Controlled Substance. *State v. Joshua Demetrius Fullilove*, St. Charles Cnty. Cir. Ct., Case No. 0811-CR04954. The court suspended imposition of sentence and placed Fullilove on probation for two years. On November 17, 2009, Fullilove admitted to violating his probation, and the court continued the probation with no additional terms. Court documents state that Fullilove successfully completed probation on February 6, 2011.<sup>3</sup>
9. Division Special Investigator Andrew Engler (“Engler”) sent an inquiry letter dated February 27, 2019, to Fullilove’s address of record on his Application. The inquiry letter requested that Fullilove provide a statement explaining the circumstances surrounding the undisclosed conviction and why he failed to disclose it on his Application.
10. The day after the Investigator sent this letter, Fullilove called to check on his Application. During the call, Fullilove spoke with Engler about the undisclosed conviction. Fullilove asserted that he had been riding in a vehicle with his friend when they were pulled over by law enforcement. Initially, Fullilove stated that only his friend had possessed the controlled substance (marijuana) and that Fullilove was only implicated because he was also riding in the vehicle. However, he later stated that he had a “joint” on him when he was arrested. Fullilove further asserted that he was released from jail after his arrest by paying \$100 to a woman who said she could release him if he paid the money. Contrary to court documents memorializing his presence in court for the case, Fullilove claimed that he never went to court. He also stated that he believed the woman who had reportedly released him from jail had “[taken] care of the charge” because it never appeared in previous background checks.
11. On March 5, 2019, the Division received a written statement regarding Fullilove’s undisclosed conviction. In the written statement, Fullilove asserted that his arrest for the undisclosed conviction occurred because he was pulled over for a warrant;

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<sup>3</sup> This date, however, was two days after Fullilove committed the two felonies (Drug Trafficking in the Second Degree and Assault on a Law Enforcement Officer in the Second Degree) in *State v. Joshua D. Fullilove*, St. Louis Cnty. Cir. Ct., Case No. 11SL-CR00722-01.

he did not mention his or his friend's possession of marijuana. In his letter, he stated that he remembered being released on a \$100 bond; however, he did not remember receiving a suspended imposition of sentence. He also reasoned that his nondisclosure was not purposeful, stating,

I disclosed in my initial letter that [I] had [an] S.I.S[.] in the City of St. Louis. So I would have had no reason not to mention this one for St. Charles. I have had numerous background checks ran on [myself] [and] this has never popped up at all. So I didn't purposely leave this incident out of my report for Jefferson City. I knew for a FACT that I didn't have a conviction.

12. It is inferable, and hereby found as fact, that Fullilove failed to disclose his misdemeanor conviction for possession of a controlled substance in the hopes that the Director would look more favorably on his Application and issue a motor vehicle extended service contract producer license to him.

### CONCLUSIONS OF LAW

13. Section 385.209.1 RSMo<sup>4</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:

\* \* \*

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

\* \* \*

(5) Been convicted of any felony[.]

14. The Director may refuse to issue a motor vehicle extended service contract producer license to Fullilove under § 385.209.1(3) RSMo because Fullilove attempted to

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<sup>4</sup> This and all civil statutory citations are to the 2016 general republication of the Revised Statutes of Missouri.

obtain such a license through material misrepresentation or fraud in that he failed to disclose the full extent of his criminal history.


15. The Director may refuse to issue a motor vehicle extended service contract producer license to Fullilove under § 385.209.1(5) RSMo because he was convicted of a felony. More particularly, Fullilove has been convicted of three felonies—the Class D Felony of Unlawful Use of a Weapon in violation of § 571.030, *State v. Joshua Demetrius Fullilove*, St. Louis City Cir. Ct., Case No. 22051-01392, and the Class A Felony of Drug Trafficking in the Second Degree in violation of § 195.223 and the Class C Felony of Assault on a Law Enforcement Officer in the Second Degree in violation of § 565.082, *State v. Joshua D. Fullilove*, St. Louis Cnty. Cir. Ct., Case No. 11SL-CR00722-01.
16. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Fullilove a motor vehicle extended service contract producer license under § 385.209.1(5) RSMo.
17. The above-described instances are grounds upon which the Director may refuse to issue Fullilove a motor vehicle extended service contract producer license.
18. The Director has considered Fullilove’s history and all of the circumstances surrounding his Application. Issuing a motor vehicle extended service contract producer license to Fullilove would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Fullilove a motor vehicle extended service contract producer license.
19. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license Application of **Joshua Demetrius Fullilove** is hereby **REFUSED**.

**SO ORDERED.**

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

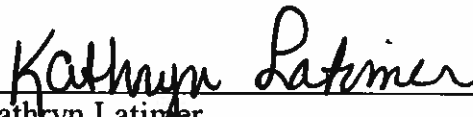
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21st day of February, 2020, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Joshua Demetrius Fullilove  
4147 Edmundson Road  
St. Louis, MO 63134

Tracking No. 1Z0R15W84290571737



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Paralegal  
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