



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

SAMUEL LAFAYETTE MORRIS II,
Applicant.

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Case No. 160420247C

ORDER REFUSING TO RENEW MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On January 3, 2017, 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 Samuel Lafayette Morris II. After reviewing the Petition, Investigative Report, and additional documentation, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Samuel Lafayette Morris, II ("Morris") is a Missouri resident with a residential and mailing address of 106 Tuscany Lane, O'Fallon, Missouri 63366 and a business address of 3930 Old Highway 94, St. Charles, Missouri 63304.
2. On December 2, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Morris's Application for Motor Vehicle Extended Service Contract Producer License ("2011 MVESC Application").
3. The "Applicant's Certification and Attestation" section of the 2011 MVESC Application states, in relevant part:
 1. 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. On December 1, 2011, Morris signed the “Applicant’s Certification and Attestation” section of his 2011 MVEESC Application under oath and before a notary public.
5. Background Question No. 1 of the 2011 MVEESC Application asks, in relevant part:

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

* * *

“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. Morris answered “Yes” to Background Question No. 1 on his 2011 MVEESC Application and disclosed the following felony conviction:
 - a. On September 17, 2002, Morris pled guilty to Stealing, a Class C Felony, in violation of § 570.030.¹ On November 1, 2002, the court sentenced Morris to seven (7) years’ incarceration, but suspended the execution of sentence and ordered Morris to complete five (5) years’ supervised probation. Morris was discharged from supervised probation on November 1, 2007. *State v. Samuel Lafayette Morris II*, St. Charles Co. Cir. Ct., Case No. 02CR126746-01.
 7. Morris failed to disclose the following felony prosecution in response to Background Question No. 1 on his 2011 MVEESC Application, as required:
 - a. On November 4, 2002, Morris pled guilty to Unlawful Use of a Weapon, a Class D Felony, in violation of § 571.030. The court suspended imposition of sentence and ordered Morris to complete five (5) years’ supervised probation. Morris was discharged from supervised probation on November 4, 2007. *State*

¹ All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri under which the court rendered judgment.

v. *Samuel Lafayette Morris*,² St. Charles Co. Cir. Ct., Case No. 02CR124142-01.

8. Based on Morris's representations on his 2011 MVESC Application, on May 1, 2012, the Director entered a Consent Order, in which the Director agreed to issue a motor vehicle extended service contract ("MVESC") producer license to Morris. *In the Matter of: Samuel Lafayette Morris II*, Consent Order, Case No. 120406337C.
9. On May 10, 2012, the Department issued a MVESC producer license (License No. 8151364) to Morris.
10. On January 7, 2013, the Department received Morris's completed electronic application for a resident insurance producer license ("2013 Insurance Producer Application").
11. The "Attestation" section of the 2013 Insurance Producer Application states, in relevant part:

1. I hereby certify that, under penalty of perjury, 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. I further certify that, under penalty of perjury, either a) I have no child-support obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.
12. On December 12, 2012, Morris, as a precondition to submission, accepted the "Attestation" section of his 2013 Insurance Producer Application.
 13. Background Question No. 1 of the 2013 Insurance Producer Application asks:

Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

² Although case numbers 02CR126746-01 and 02CR124142-0.1 list two (2) different names for Morris, the defendant's birthdate and social security number in both cases match each other.

14. Morris answered "Yes" to Background Question No. 1 on his 2013 Insurance Producer Application and provided a letter and court documents related to his conviction for Stealing, a Class C Felony. *State v. Samuel Lafayette Morris II*, St. Charles Co. Cir. Ct., Case No. 02CR126746-01.
15. Morris again failed to disclose his prosecution for Unlawful Use of a Weapon, a Class D Felony. *State v. Samuel Lafayette Morris*, St. Charles Co. Cir. Ct., Case No. 02CR124142-01.
16. Background Question No. 7 of the 2013 Insurance Producer Application asks:

Do you have a child support obligation in arrearage?
17. Morris answered "No" to Background Question No. 7 on his 2013 Insurance Producer Application and failed to disclose that on November 1, 2012, a judgment was entered ordering Morris to pay \$600.00 per month for child support with said payments commencing the date of the judgment. As of December 2012 when Morris attested to the accuracy of his 2013 Insurance Producer Application, Morris's arrearage totaled \$900.00. *Amy L. Morris v. Samuel L. Morris II*, St. Charles Co. Cir. Ct., Case No. 1211-FC01467.
18. Based on Morris's representations on his 2013 Insurance Producer Application, on May 20, 2013, the Director entered a Consent Order, in which the Director agreed to issue Morris a resident insurance producer license and consent to engage in the business of insurance pursuant to 18 U.S.C. § 1033. *In the Matter of: Samuel Lafayette Morris II*, Consent Order, Case No. 130214170C.
19. On May 23, 2013, the Department issued a resident insurance producer license (License No. 8151364) to Morris.
20. Morris's resident insurance producer license expired on May 23, 2015.
21. On May 12, 2014, the Department received Morris's Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2014 MVESC Application").
22. The "Applicant's Certification and Attestation" section of the 2014 MVESC Application states, in relevant part:
 1. 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.

* * *

5. I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have a child support obligation that is in arrears, I am in compliance with a repayment plan to cure the arrears, and I have provided all information and documentation requested in Background Information Question [7].
23. On May 5, 2014, Morris signed the "Applicant's Certification and Attestation" section of his 2014 MVESC Application under oath and before a notary public.
24. Background Question No. 1 of the 2014 MVESC 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, which has not been previously reported to this insurance department?

* * *

"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").

25. Morris answered "No" to Background Question No. 1 on his 2014 MVESC Application and for the third time failed to disclose his prosecution for Unlawful Use of a Weapon, a Class D Felony. *State v. Samuel Lafayette Morris*, St. Charles Co. Cir. Ct., Case No. 02CR124142-01.
26. Background Question No. 7 of the 2014 MVESC Application asks:
- Do you currently have or have you had a child support obligation, which has not been previously reported to this insurance department?
- If you answer yes:
- a) are you in arrearage?
 - b) by how many months are you in arrearage?
 - c) what is the total amount of your arrearage?

- d) are you currently subject to a repayment agreement to cure the arrearage? (If you answer yes, provide documentation showing an approved repayment plan from the appropriate state child support agency.)
 - e) are you in compliance with said repayment agreement? (If you answer yes, provide documentation showing proof of current payments from the appropriate state child support agency.)
 - f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)
 - g) have you ever been convicted of a misdemeanor or felony for failure to pay child support?
27. Morris answered "No" in response to all portions of Background Question No. 7 on his 2014 MVESC Application, except subpart "e" to which he did not provide a response.
28. Morris again failed to disclose that on November 1, 2012 a judgment was entered ordering Morris to pay \$600.00 per month for child support with said payments commencing the date of the judgment. As of May 2014 when Morris attested to the accuracy of his 2014 MVESC Application, Morris's arrearage totaled \$1,520.00. *Amy L. Morris v. Samuel L. Morris II*, St. Charles Co. Cir. Ct., Case No. 1211-FC01467.
29. On May 15, 2014, based on Morris's representations on his 2014 MVESC Application, the Department renewed Morris's MVESC producer license.
30. On March 15, 2016, the Department received Morris's Application for Motor Vehicle Extended Service Contract Business Entity Producer License ("2016 MVESC BEP Application") for an entity to be named Global Automotive Protection, LLC.
31. The "Applicant's Certification and Attestation" section of the 2016 MVESC BEP Application states, in relevant part:

The undersigned owner, partner, officer and/or director of the business entity (or if the entity is a Limited Liability Company ("LLC"), any member, manager, and/or officer) hereby certifies, under penalties of perjury, that:

1. All of the information submitted in this application and attachments is true and complete and I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license or registration revocation or denial and may subject me and the

business entity to civil or criminal penalties.

32. On February 19, 2016, Morris signed the "Applicant's Certification and Attestation" section of his 2016 MVESC BEP Application under oath and before a notary public.
33. Background Question No. 1 of the 2016 MVESC BEP Application states, in relevant part:

Has the business entity or any owner, partner, officer, and/or director of the business entity (or if the entity is a Limited Liability Company ("LLC"), any member, manager, and/or officer), **ever been convicted of a crime**, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS"), or received a suspended execution of sentence ("SES")?

* * *

"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").

(emphasis in original.)

34. Morris answered "No" to Background Question No. 1 on his 2016 MVESC BEP Application and for the fourth time failed to disclose his prosecution for Unlawful Use of a Weapon, a Class D Felony. *State v. Samuel Lafayette Morris*, St. Charles Co. Cir. Ct., Case No. 02CR124142-01.
35. In early 2016, while investigating Morris's 2016 MVESC BEP Application, Special Investigator Andrew Engler ("Engler"), with the Consumer Affairs Division, discovered Morris's prosecution for Unlawful Use of a Weapon, a Class D Felony. Engler sent an inquiry letter to Morris and contacted Morris by phone to discuss the undisclosed charge.
36. Initially, during his phone conversations with Engler, Morris denied the charge. Eventually, Morris admitted to the charge and sent a letter to Engler dated April 20, 2016, in which he explained verbatim, in part:

In 2001, I was accused of unlawful use of a weapon. I was riding in a car with friends and we got pulled over. The officer asked if he could search the vehicle and I told him Yes. As he was searching the car he

found an unloaded gun that belonged to my aunt who had recently past away. He asked me about the gun and I told him whose it was and why I had it. ... He then said I was under arrest for "unlawful use of a weapon". Once we got to the jailhouse I was bonded out on a \$500 bond. Months later when the incident happened with the safe, I was locked up for over nine months until I finally plead guilty to the safe incident. At that time I was under the assumption that if I pled guilty that they would dismiss the charge of the "unlawful use of a weapon" is what I was told by my public defender. Until now I didn't even know that this charge was even an issue because if it was I would have disclosed it on my original consent that I was given in 2011.

37. This is the first instance in which Morris disclosed his felony charge for Unlawful Use of a Weapon to the Department.
38. On May 10, 2016, Morris's MVESC producer license expired.
39. On May 12, 2016, Morris withdrew his 2016 MVESC BEP Application.
40. On June 6, 2016, the Department received Morris's Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2016 MVESC Application").
41. The "Applicant's Certification and Attestation" section of the 2016 MVESC Application states, in relevant part:
 1. 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.

* * *

 5. I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have a child support obligation that is in arrears, I am in compliance with a repayment plan to cure the arrears, and I have provided all information and documentation requested in Background Information Question [7].
42. On May 11, 2016, Morris signed the "Applicant's Certification and Attestation" section of the 2016 MVESC Application under oath and before a notary public.
43. Employment History Question No. 35 of the 2016 MVESC Application requests the

following, in relevant part:

Account for all time for the past five years. List all employment experience starting with your current employer [and] working back five years.

44. In response to Employment History Question No. 35, Morris admits he has been working as a "Sales Manager" for "JEH Group LLC" in St. Charles, Missouri since May 2015.
45. JEH Group LLC is licensed by the Department as a MVESC business entity producer, License Number 8346399, to sell, offer, negotiate, or solicit motor vehicle extended service contracts.
46. At no time since May 10, 2016 has the Director issued a MVESC producer license to Morris to sell, offer, negotiate, or solicit motor vehicle extended service contracts with consumers.
47. Based upon his 2016 MVESC Application, since May 10, 2016, Morris has engaged in selling, offering, soliciting, or negotiating motor vehicle extended service contracts with consumers, in or from this state, without a MVESC producer license.
48. Background Question No. 7 of the 2016 MVESC Application asks:

Do you currently have or have you had a child support obligation, which has not been previously reported to this insurance department?

If you answer yes:

- a) are you in arrearage?
- b) by how many months are you in arrearage?
- c) what is the total amount of your arrearage?
- d) are you currently subject to a repayment agreement to cure the arrearage? (If you answer yes, provide documentation showing an approved repayment plan from the appropriate state child support agency.)
- e) are you in compliance with said repayment agreement? (If you answer yes, provide documentation showing proof of current payments from the appropriate state child support agency.)
- f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)
- g) have you ever been convicted of a misdemeanor or felony for failure to pay child support?

49. Morris answered "No" in response to Background Question No. 7 of his 2016 MVESC Application.
50. Morris again failed to disclose that on November 1, 2012 a judgment was entered ordering Morris to pay \$600.00 per month for child support with said payments commencing the date of the judgment. As of May 2016, when Morris attested to the accuracy of his 2016 MVESC Application, Morris's arrearage totaled \$7,820.00. *Amy L. Morris v. Samuel L. Morris II*, St. Charles Co. Cir. Ct., Case No. 1211-FC01467.
51. As of December 2016 Morris's arrearage totaled \$12,020.00. *Id.*
52. It is inferable, and hereby found as fact, that Morris failed to disclose his prosecution for Unlawful Use of a Weapon on his 2011 MVESC Application in order to misrepresent the extent of his criminal history to the Director, and accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.
53. It is inferable, and hereby found as fact, that Morris failed to disclose his prosecution for Unlawful Use of a Weapon and his child support arrearage on his 2013 Insurance Producer Application in order to misrepresent the extent of his criminal history and his child support compliance to the Director, and accordingly, in order to improve the chances that the Director would approve his Application and issue him an insurance producer license.
54. It is inferable, and hereby found as fact, that Morris failed to disclose his prosecution for Unlawful Use of a Weapon and his child support arrearage on his 2014 MVESC Application in order to misrepresent the extent of his criminal history and his child support compliance to the Director, and accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.
55. It is inferable, and hereby found as fact, that Morris failed to disclose his child support arrearage on his 2016 MVESC Application in order to misrepresent his child support compliance to the Director, and accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.

CONCLUSIONS OF LAW

56. Section 385.209 RSMo (Supp. 2013)³ 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:

(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;

* * *

(11) Unlawfully acted as a producer without a license; [or]

(12) Failed to comply with an administrative or court order imposing a child support obligation[.]

57. Section 385.206 provides, in part:

1. It is unlawful for any person in or from this state to sell, offer, negotiate, or solicit a motor vehicle extended service contract with a consumer, other than the following:

* * *

³ All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement, unless otherwise indicated.

(6) A business entity producer or individual producer licensed under section 385.207[.]

58. Section 385.207.3 provides:

An individual, prior to selling, offering, negotiating, or soliciting a motor vehicle extended service contract with a consumer under subdivision (6) of subsection 1 of section 385.206, shall apply for and obtain licensure with the director as an individual producer in accordance with this section.

59. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209.1(1) because Morris filed an application for license in this state within the previous ten (10) years which, as of the effective date of the license, was incomplete in a material respect or contained incorrect, misleading, or untrue information. In particular, on his 2011 MVESC Application, Morris failed to disclose his prosecution for Unlawful Use of a Weapon, a Class D Felony.
60. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209.1(1) because Morris filed an application for license in this state within the previous ten years (10) which, as of the effective date of the license, was incomplete in a material respect or contained incorrect, misleading, or untrue information. In particular, on his 2013 Insurance Producer Application, Morris failed to disclose his prosecution for Unlawful Use of a Weapon, a Class D Felony, and his child support arrearage.
61. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209.1(1) because Morris filed an application for license in this state within the previous ten (10) years which, as of the effective date of the license, was incomplete in a material respect or contained incorrect, misleading, or untrue information. In particular, on his 2014 MVESC Application, Morris failed to disclose his prosecution for Unlawful Use of a Weapon, a Class D Felony, and his child support arrearage.
62. Each instance in which Morris filed an application for license in this state within the previous ten (10) years which, as of the effective date of the license, was incomplete in a material respect or contained incorrect, misleading, or untrue information is a separate and sufficient ground for refusal pursuant to § 385.209.1(1).
63. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209(2) because Morris violated a provision in §§ 385.200 to 385.220, namely § 385.206.1(6), when he unlawfully, in or from this state, sold, offered, negotiated, or solicited motor vehicle extended service contracts with a consumer since May 10, 2016, during his employment with JEH Group LLC, a licensed MVESC business entity producer.

64. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209.1(3) because Morris obtained a license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 1 on his 2011 MVESC Application and failed to disclose his prosecution for Unlawful Use of a Weapon, a Class D Felony.
65. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209.1(3) because Morris obtained a license through material misrepresentation or fraud when he falsely answered "No" to Background Question Nos. 1 and 7 on his 2013 Insurance Producer Application and failed to disclose his prosecution for Unlawful Use of a Weapon, a Class D Felony, and his child support arrearage.
66. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209.1(3) because Morris obtained a license through material misrepresentation or fraud when he falsely answered "No" to Background Question Nos. 1 and 7 on his 2014 MVESC Application and failed to disclose his prosecution for Unlawful Use of a Weapon, a Class D Felony, and his child support arrearage.
67. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209.1(3) because Morris attempted to obtain a license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 7 on his 2016 MVESC Application and failed to disclose his child support arrearage.
68. Each instance in which Morris obtained or attempted to obtain a license through material misrepresentation or fraud is a separate and sufficient ground for refusal pursuant to § 385.209.1(3).
69. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209.1(5) because Morris has been convicted of a felony: Stealing, a Class C Felony. *State v. Samuel Lafayette Morris II*, St. Charles Co. Cir. Ct., Case No. 02CR126746-01.
70. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209.1(11) because Morris unlawfully acted as a producer without a license during his employment since May 10, 2016 at JEH Group LLC, a MVESC business entity producer.
71. The Director may refuse to renew Morris's MVESC producer license pursuant to § 385.209.1(12) because Morris failed to comply with an administrative or court order imposing a child support obligation. As of December 2016, Morris's arrearage totaled \$12,020.00. *Amy L. Morris v. Samuel L. Morris II*, St. Charles Co. Cir. Ct., Case No. 1211-FC01467.

72. The Director has considered Morris's history and all of the circumstances surrounding Morris's Application. Issuing Morris a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue Morris a MVESC producer license.
73. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that renewal of **Samuel Lafayette Morris II's** motor vehicle extended service contract producer license application of is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 4th **DAY OF** JANUARY, 2017.




JOHN M. HUFF
DIRECTOR, Missouri Department of Insurance,
Financial Institutions and Professional Registration

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.

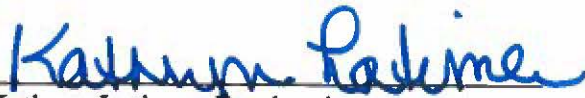
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2017, 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:

Samuel Lafayette Morris II
106 Tuscany Lane
O'Fallon, Missouri 63366

Tracking No: 1Z0R15W84295416824



Kathryn Latimer, Paralegal
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Institutions and Professional Registration
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