



FINAL ORDER
EFFECTIVE
7-27-2018

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

RICHARD JASON BREADNER,

Applicant.

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Case No. 171114444C

ORDER REFUSING TO ISSUE
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On February 7, 2018, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the motor vehicle extended service contract producer license application of Richard Jason Breadner. After reviewing the Petition, 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. Richard Jason Breadner ("Breadner") is a Missouri resident with a residential address of 520 Harmony Lane, O'Fallon, Missouri 63366-2730.
2. On September 28, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Breadner's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Breadner answered "Yes" to Background Information Question 1 of the Application which asked, 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?"
4. As further instructed by the Application, Breadner included court documents disclosing the following prosecutions:
 - a. On June 1, 2007, Breadner pleaded guilty to, and was convicted upon, each of three counts of Driving While Intoxicated - Persistent Offender, a Class D Felony in violation of § 577.010.¹ The court sentenced Breadner to four years' incarceration on each count, to be served consecutively, but suspended execution of the sentences and instead ordered Breadner to complete five

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

years' probation. On April 16, 2010, the court revoked Breadner's probation and ordered the sentences executed. *State v. Richard J. Breadner*, St. Charles Co. Cir. Ct., Case No. 0711-CR01622-01 ("*Breadner I*").

- b. On February 25, 2011, Breadner was convicted, after his earlier guilty plea, of Driving While Intoxicated - Chronic Offender, a Class B Felony in violation of § 577.010. The court sentenced Breadner to ten years' incarceration, to be served concurrently with his sentences in *Breadner I* and *Breadner III*. *State v. Richard J. Breadner*, St. Louis Co. Cir. Ct., Case No. 10SL-CR03902-01 ("*Breadner IP*").
- c. Also on February 25, 2011, Breadner was convicted of a separate charge of Driving While Intoxicated - Chronic Offender, a Class B Felony in violation of § 577.010. The court sentenced Breadner to ten years' incarceration, to be served concurrently with his sentences in *Breadner I* and *Breadner II*. *State v. Richard J. Breadner*, St. Louis Co. Cir. Ct., Case No. 10SL-CR04807-01 ("*Breadner IIP*").

CONCLUSIONS OF LAW

5. Section 385.209.1, RSMo² 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:

* * *

- (5) Been convicted of any felony[.]

6. The Director may refuse to issue a motor vehicle extended service contract ("MVESC") producer license to Breadner pursuant to § 385.209.1(5) because he has been convicted of five felonies, specifically:
 - a. Driving While Intoxicated - Persistent Offender, *Breadner I*;
 - b. Driving While Intoxicated - Persistent Offender, *id.*;
 - c. Driving While Intoxicated - Persistent Offender, *id.*;
 - d. Driving While Intoxicated - Chronic Offender, *Breadner II*; and

² All civil statutory references are to the 2016 Missouri Revised Statutes.

e. Driving While Intoxicated - Chronic Offender, *Breadner III*.

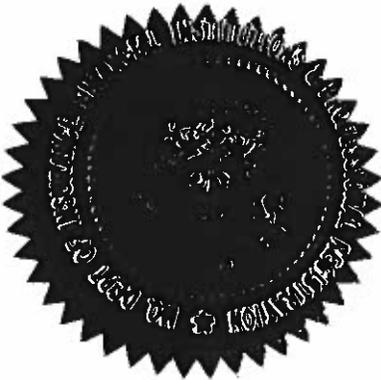
7. Each of Breadner's felony convictions is a separate and sufficient ground for refusal pursuant to § 385.209.1(5).
8. The Director has considered Breadner's history and all of the circumstances surrounding Breadner's Application. Issuing Breadner a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Breadner a MVESC producer license.
9. This Order is in the public interest.

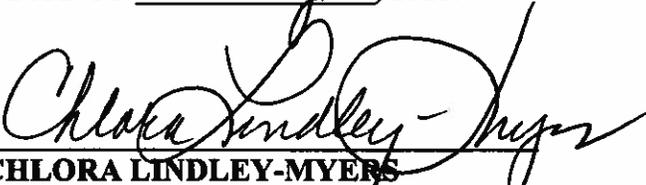
ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Richard Jason Breadner** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 23rd DAY OF February, 2018.




CHLORA LINDLEY-MYERS
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 26th day of February, 2018, 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:

Richard Jason Breadner
Harmony Lane
O'Fallon, Missouri 63366-2730

Tracking No. 1Z0R15W84296762538520



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following address:

Richard Jason Breadner
Harmony Lane
O'Fallon, Missouri 63366-2730

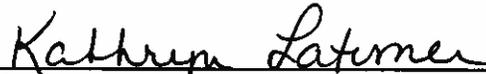
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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, at the following address:

Richard Jason Breadner
Harmony Lane
O'Fallon, Missouri 63366-2730



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