



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

ANDRE LAMONT LOVE, JR.,

Renewal Applicant.

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Case No. 14-0324350C

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

On July 10, 2014, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to renew Andre Lamont Love Jr.’s motor vehicle extended service contract producer license. 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. Andre Lamont Love, Jr. (“Love”) is a Missouri resident with a residential address of 908 Lands End Circle, St. Charles, Missouri 63303.
2. The Department of Insurance, Financial Institutions and Professional Registration (“Department”) issued Love a motor vehicle extended service contract (“MVESC”) producer license (#8175607) on July 5, 2012, pursuant to a Consent Order (“2012 Consent Order”), in which Love agreed to certain conditions. Love’s license expired on July 6, 2014.
3. Among other things, the 2012 Consent Order required Love to do the following:
 - a. Comply with all court orders in *State of Missouri v. Andre Lamont Love, Jr.*, St. Charles Co. Cir. Ct., Case No. 0811-CR06156-01;¹ to notify the Division within 30 days if he failed to successfully complete his probation or had his probation revoked; and to inform the Division of the consequences imposed as

¹ In this criminal case, Love pled guilty to one count of the Class D Felony of Driving While Intoxicated, in violation of §§ 577.010 and 577.023, RSMo Supp. 2013 and one count of the Class D Felony of Driving While Revoked, in violation of § 302.321, RSMo Supp. 2013. *State v. Love*, St. Charles Co. Cir. Ct., Case No. 0811-CR06156-01.

a result.

- b. Report to the Division, within five business days, any probation violation, probation revocation, arrest, citation, guilty plea, finding of guilt or conviction concerning a felony or misdemeanor.

2012 Consent Order, pages 4-5.

4. On February 19, 2013, Love pled guilty to two counts of the Class D Felony of Driving While Revoked, in violation of § 302.321.² *State v. Andre Lamont Love, Jr.*, St. Charles Co. Cir. Ct., Case No. 1211-CR02261-01. On April 16, 2013, the court sentenced Love to four years in the Department of Corrections on each count, with execution of the sentences suspended and ordered Love to complete the Institutional Treatment Center program within the Department of Corrections under § 559.115. The court further ordered that Love's sentences were to be served concurrently with each other and with his sentences in *State v. Andre Lamont Love, Jr.*, St. Charles Co. Cir. Ct., Case No. 0811-CR06156-01.
5. On April 16, 2013, the St. Charles County Circuit Court revoked Love's probation in *State v. Love*, St. Charles Co. Cir. Ct., Case No. 0811-CR06156-01. The court sentenced Love to three years in the Department of Corrections on each of the two counts, with execution of the sentences suspended and ordered Love to complete the Institutional Treatment Center program within the Department of Corrections under § 559.115. The court further ordered that Love's sentences for each of the two counts were to be served consecutively to each other, but concurrently with his sentences in *State v. Love*, St. Charles Co. Cir. Ct., Case No. 1211-CR02261-01.
6. On May 29, 2013, Love pled guilty to the Class A Misdemeanor of Stealing, in violation of § 570.030. *State v. Andre Love, Jr.*, St. Charles Co. Assoc. Cir. Ct., Case No. 1311-CR00376. The court sentenced Love to 90 days in jail, concurrent, with credit for jail time served.
7. Love failed to notify the Division that he failed to comply with court orders and thus had his probation revoked in *State v. Love*, St. Charles Co. Cir. Ct., Case No. 0811-CR06156-01. Love did not notify the Director about his probation revocation or the resulting sentence within 30 days.
8. Love failed to report his conviction of another felony and a misdemeanor to the Division within five business days.
9. On May 28, 2014, the Department received Love's "Application for Motor Vehicle Extended Service Contract Producer License Renewal" ("Renewal Application").

² This and all further references are to RSMo Supp. 2013 unless otherwise indicated.

10. Love signed the "Applicant's Certification and Attestation" section of the Renewal Application, which states, in relevant part, 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. Background Question No. 1 of the Renewal 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?

12. Love marked "No" to Background Question No. 1 and did not disclose any criminal convictions in response to the question.

13. As noted above, since obtaining his MVESC producer license in 2012, Love has been convicted of two counts of the Class D Felony of Driving While Revoked, in violation of § 302.321, *State v. Love*, St. Charles Co. Cir. Ct., Case No. 1211-CR02261-01; and one count of the Class A Misdemeanor of Stealing, in violation of § 570.030, *State v. Love*, St. Charles Co. Assoc. Cir. Ct., Case No. 1311-CR00376.³

14. On June 5, 2014 Andrew Engler, Special Investigator with the Division, sent a letter to Love at his address of record with the Department, inquiring regarding Love's most recent convictions that he failed to disclose in his Renewal Application. On June 27, 2014 Love responded by e-mail. As to his latest felony driving while revoked convictions, Love explained some of the surrounding circumstances, but ultimately admitted to driving. Regarding the misdemeanor stealing conviction, Love claimed that he was drunk and it was an accident, but ultimately he agreed to the plea of guilty. As to his failure to disclose these convictions, Love stated that he "was so busy at work the day I filled out my application" and he thus "forgot to mentioned [sic] everything."

CONCLUSIONS OF LAW

15. Section 385.209.1 provides:

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

³ When Love initially applied for his MVESC producer license in 2011, he disclosed that he had been convicted of the Class D Felony of Driving While Intoxicated, in violation of §§ 577.010 and 577.023, and the Class D Felony of Driving While Revoked, in violation of § 302.321 in *State v. Love*, St. Charles Co. Cir. Ct., Case No. 0811-CR06156-01. He also disclosed various misdemeanor convictions.

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 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[.]

16. Section 385.209.7 provides:

Within thirty days of the initial pretrial hearing date or arraignment, a producer shall report to the director any felony proceeding initiated by any state or the United States for any violation of law by the producer. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant legal documents.

17. Just as the principal purpose of § 375.141, the insurance producer disciplinary statute, is not to punish licensees or applicants, but to protect the public, *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984), the purpose of § 385.209 is not to punish applicants for MVESC producer licenses, but to protect the public.

18. Renewal of Love's MVESC producer license may be refused under § 385.209.1(2) because he violated orders of the Director, as contained in the 2012 Consent Order, as follows:

a. Love failed to notify the Division within 30 days that he failed to comply with court orders and thus had his probation revoked in *State v. Love*, St. Charles Co. Cir. Ct., Case No. 0811-CR06156-01. Further, Love failed to notify the Division that as a consequence of his probation being revoked, he was sentenced to the Institutional Treatment Center within the Department of Corrections. Love failed to notify the Division of his probation revocation within the time constraints set by the 2012 Consent Order.

b. Love failed to report his arrests and guilty pleas for the Class D Felony of Driving While Revoked, *State v. Love*, St. Charles Co. Cir. Ct., Case No. 1211-CR02261-01, and for the Class A Misdemeanor of Stealing, *State v. Love*, St. Charles Co. Assoc. Cir. Ct., Case No. 1311-CR00376, within five business days of their occurrence, as required by the 2012 Consent Order.

19. Renewal of Love's MVESC producer license may be refused under § 385.209.1(2) because Love violated an insurance law, to wit: § 385.209.7, in that he failed to report a felony proceeding initiated by a state against him for violation of law within 30 days of the initial pretrial hearing date or arraignment. On February 19, 2013, Love pled guilty to two counts of the Class D Felony of Driving While Revoked and on April 16, 2013, the court sentenced him to four years in the Department of Corrections on each count, with execution of the sentences suspended and pursuant to § 559.115 for Love to complete the Institutional Treatment Center program within the Department of Corrections. The court further ordered that Love's sentences were to be served concurrently with each other and with his sentences in *State v. Love*, St. Charles Co. Cir. Ct., Case No. 0811-CR06156-01. *State v. Love*, St. Charles Co. Cir. Ct., Case No. 1211-CR02261-01. Love did not report this felony proceeding against him within 30 days of the initial pretrial hearing date or arraignment.
20. Each violation of a provision in §§ 385.200 to 385.220 or an order of the Director constitutes a separate and sufficient ground for the Director to refuse to renew Love's MVESC producer license.
21. Renewal of Love's MVESC producer license may be refused under § 385.209.1(3) because Love attempted to obtain a license through material misrepresentation or fraud. Love indicated, in response to Background Question No. 1, that he had not been convicted of any crimes that he had not previously reported to the Department. To the contrary, since Love was initially licensed in 2012, he has been convicted several times. In particular, in 2013 Love was convicted of two counts of the Class D Felony of Driving While Revoked, in violation of § 302.321, in *State v. Love*, St. Charles Co. Cir. Ct., Case No. 1211-CR02261-01, and one count of the Class A Misdemeanor of Stealing, in violation of § 570.030, *State v. Love*, St. Charles Co. Assoc. Cir. Ct., Case No. 1311-CR00376.
22. The failure to disclose each conviction constitutes a separate and sufficient ground for the Director to refuse to renew Love's MVESC producer license.
23. Renewal of Love's MVESC producer license may be refused under § 385.209.1(5) because he has been convicted of felonies, specifically, two counts of the Class D Felony of Driving While Revoked, in *State v. Love*, St. Charles Co. Cir. Ct., Case No. 1211-CR02261-01, and one count of the Class D Felony of Driving While Intoxicated and one count of the Class D Felony of Driving While Revoked, in *State v. Love*, St. Charles Co. Cir. Ct., Case No. 0811-CR06156-01.
24. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to renew Love's MVESC producer license.
25. The above-described instances are grounds upon which the Director may refuse to renew Love's MVESC producer license. Love has failed to comply with the terms of the 2012 Consent Order because he pled guilty to a new felony case and a misdemeanor case and

had his probation revoked in an earlier felony case. Love did not notify the Director about any of this new criminal activity per the 2012 Consent Order. Indeed, in his Renewal Application, Love did not disclose his 2013 criminal convictions, for the Class D Felony of Driving While Revoked and the Class A Misdemeanor of Stealing. Love maintains that he "forgot" to disclose his latest convictions because he was simply too busy at work, but Love cannot ignore the dictates of licensure or of his regulated industry with absentmindedness as an excuse. Now a convicted felon several times over, Love has shown that he cannot follow the law or the specific terms of the 2012 Consent Order under which he was issued a license.

26. The Director has considered Love's history and all of the circumstances surrounding Love's Renewal Application. Renewing Love's MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to renew Love's MVESC producer license.
27. This Order is in the public interest.

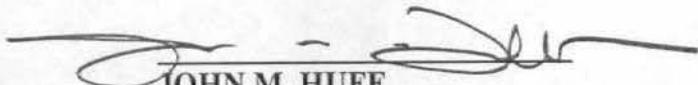
ORDER

IT IS THEREFORE ORDERED that the MVESC producer license renewal application of Andre Lamont Love, Jr., is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 18th DAY OF JULY, 2014.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

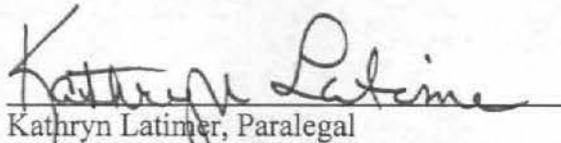
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July, 2014, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by UPS, with signature required, at the following address:

Andre Lamont Love, Jr.
908 Lands End Circle
St. Charles, Missouri 63303

Tracking No. 1Z0R15W84294990232



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