

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

4. Billups signed the 2011 Application under oath and before a notary.
5. Background Information Question No. 1 of the 2011 Application asks:

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

“Crime” includes a misdemeanor, felony or military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. “Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

“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 judgment.

6. Billups answered “No” to Background Information Question No. 1.
7. On January 1, 2012, the Director, relying on the 2011 Application and the statements contained therein, issued a Motor Vehicle Extended Service Contract (“MVESC”) Producer License to Billups. The license expired January 1, 2014.

2013 APPLICATION

8. On December 2, 2013, the Department received a “Renewal Application for

MVESC Producer License” (“2013 Application”) from Billups.

9. The “Applicant’s Certification and Attestation” section of the 2013 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 revocation or denial of the license and may subject me to civil or criminal penalties.

10. Billups signed the 2013 Application under oath and before a notary.
11. Background Information Question No. 1 of the 2013 Application asks:

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?

“Crime” includes a misdemeanor, felony or military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. “Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

“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 certified copy of the charging document, and

c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

12. Billups again answered “No” to Background Information Question No. 1. He did not disclose any criminal history or that he had any pending charges.
13. The Department conducted an investigation of the 2013 Application. The investigation revealed that Billups had received an SIS for a Class C Felony. On July 17, 2008, Billups pleaded guilty to the Class C Felony of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana, in violation of Section 195.202, RSMo, in *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0711-CR07053-01. The court suspended the imposition of sentence and placed Billups on five years’ probation. *Id.*
14. On January 5, 2012, the court revoked Billups’ probation due to a positive random drug test and sentenced Billups to five years of confinement. *Id.* The Court then suspended execution of the sentence and placed Billups on another five years of probation. *Id.*
15. On July 16, 2012, Billups pleaded guilty to a Class A Misdemeanor of Failure to Return to Confinement, in *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 1211-CR01736. (This conviction is related to Billups’ conviction in *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0711-CR07053-01).
16. On December 5, 2013, Division Investigator, Andrew Engler (“Engler”), mailed an inquiry letter to Billups seeking information regarding *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0711-CR07053-01.
17. On December 13, 2013, Billups telephoned Engler and verbally responded that Billups had answered “No” to Question No. 1 because the July 17, 2008, Class C Felony guilty plea resulted in an SIS.
18. The Director denied Billups’s 2013 Application pursuant to § 385.209.1(1), (3), and (5), RSMo because Billups filed an application for license that was incomplete in material respects and contained incorrect, misleading, or untrue information, had been convicted of a felony and attempted to obtain a license through material misrepresentation and/or fraud. *See In re: Charles R. Billups*, Case No. 42-0424415C, “Order Refusing to Renew a Motor Vehicle Extended Service Contract Producer License,” issued May 2, 2014 (“2014 Refusal Order”) (attached as Exhibit 1).

19. Billups did not appeal the 2014 Refusal Order.

2016 APPLICATION

20. On May 26, 2016, the Department received an “Application for Motor Vehicle Extended Service Contract Producer License” (“2016 Application”) from Billups.
21. The “Applicant’s Certification and Attestation” section of the 2016 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 revocation or denial of the license and may subject me to civil or criminal penalties.

22. Billups signed the 2016 Application under oath and before a notary.
23. Background Question No. 1 states:

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?

“Crime” includes a misdemeanor, felony or military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. “Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

“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 certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

24. In response to Background Question No. 1, Billups answered "Yes." He disclosed his felony conviction for Possession of a Controlled Substance, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0711-CR07053-01, but failed to disclose *State v. Charles Rodell Billups, Jr.*, St. Charles Co., Cir. Ct., Case No. 1211-CR01736, Failure to Return to Confinement.

25. Background Question No. 2 of the Application provides:

Have you ever been named or involved as a party in an administrative proceeding or action regarding any professional or occupational license or registration, or regarding the lack of such license or registration?

"Involved" means having a license censured, suspended, revoked, cancelled, 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 licensure. "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.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and

c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

26. In response to Background Question No. 2, Billups answered “Yes.” By way of additional disclosure, Billups stated, “P.S. My previous application was reviewed by Missouri Department of Insurance.” Billups did not disclose that the review resulted in the 2014 Refusal Order.
27. On September 7, 2016, Division Investigator Sheri Sloan (“Sloan”) informed Billups she was reviewing his application and would be recommending refusal to issue. Billups informed Sloan he would be withdrawing his application in order to avoid another refusal.

2016 COMPLAINT INVESTIGATION

28. On June 2, 2016, the Division received a complaint of possible unlicensed sales at Dealer Protection, LLC, Business Entity Producer MVESC, License No. 8357423, a company involved in the sale of MVESCs. The complaint listed Billups as one of the people making said unlicensed sales.
29. Sloan investigated the June 2, 2016, complaint and determined that Billups did make \$188,696.81 worth of MVESC sales from October 17, 2016, to March 30, 2017 while employed at Dealer Protection, LLC. At the time, Billups did not have an MVESC producer license issued by the Department.
30. On February 3, 2016, Billups was charged with Passing a Bad Check—Less Than \$500, a Class A Misdemeanor, *State v. Charles R. Billups*, Cole Co. Cir. Ct., Case No. 17AC-CR00167. The case is still pending. *Id.*
31. On May 3, 2017, Billups was charged with Possession of a Controlled Substance, a Class A Misdemeanor, in violation of § 195.202, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Assoc. Cir. Ct., Case No. 1711-CR01619. The case is still pending. *Id.*

2018 APPLICATION

32. On March 9, 2018, the Department received a complete application for MVESC license from Billups (“2018 Application”).
33. Under the Employment History Section of the 2018 Application, Billups listed his sole occupation as self-employed/DJ from August 2010 to present.

34. The Employment History Section of the 2018 Application directs the applicant to account for all of the applicant's employment history for the previous five years.

35. In his 2016 Application for MVESC Producer License, Billups listed the following employment history:

Dealer Protection, May 2016	Transfer Rep;
Auto Repair Network, March 2016 to April 2016	Transfer Rep;
Guardian, LLC, January 2014 to February 2016	Customer
Service;	
Motor Vehicle Solution, April 2012 to January 2014	Sales[.]

36. Three of the four listed employers has or had an MVESC Business Entity Producer License and engages or engaged in the sale of MVESCs. A fourth employer, Auto Repair Network, does not appear to exist and does not have a license issued by the Department.

37. Billups included Dealer Protection, LLC, in the Employment History Section of his 2016 Application and indicated that Billups was employed at Dealer Protection, LLC during May 2016.

38. At all times relevant, Dealer Protection, LLC, located in St. Peters, Missouri, was licensed by the Department as an MVESC business entity producer, License Number 8357423, to sell, offer, negotiate, or solicit MVESCs.

39. Based on Billups' 2016 Application, during the month of May 2016, Billups engaged in selling, offering, negotiating, or soliciting motor vehicle extended service contracts with consumers, in or from this state, without an MVESC individual producer license.

40. According to Dealer Protection, LLC, from October 17, 2016, through March 30, 2017, Billups engaged in selling, offering, negotiating, or soliciting motor vehicle extended service contracts with consumers, in or from this state. Billups did not have an MVESC individual producer license during this time.

41. The "Applicant's Certification and Attestation" section of the 2018 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 revocation or denial of the license and may subject me to civil or criminal penalties.

42. Billups signed the 2018 Application under oath and before a notary.

43. Background Question No. 1 states:

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?

“Crime” includes a misdemeanor, felony or military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. “Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

“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 certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

44. On the 2018 Application, Billups answered “Yes” to Question 1, and provided a written statement explaining why he answered “Yes.” In response to a February 28, 2018, request for additional information, Billups did disclose the July 17, 2008, Class C Felony and the resulting SES, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0711-CR07053-01.

45. Billups did not disclose his July 27, 2010, Misdemeanor Conviction for Possession

of Up to 35 Grams Marijuana, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0911-CR00820.

46. Billups did not disclose his July 16, 2012, Failure to Return to Confinement Misdemeanor Conviction, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 1211-CR01736.
47. Billups did not disclose his February 3, 2016, Class A Misdemeanor Charge, Passing Bad Checks—Less than \$500, *State v. Charles R. Billups*, Cole Co. Cir. Ct., Case No. 17AC-CR00167.
48. Billups did not disclose his May 3, 2017, Class A Misdemeanor Charge, Possession of a Controlled Substance in violation of § 195.202, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 1711-CR01619.
49. On March 13, 2018, Engler spoke to Billups by telephone and asked for information regarding the Failure to Return to Confinement conviction, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 1211-CR01736 and the additional charges and conviction disclosed by Engler's investigation of the 2018 Application, including certified court documents. Engler also asked Billups why Billups had failed to disclose the additional charges and conviction:
50. Billups said he thought the Failure to Return to Confinement conviction had been disclosed in documents that had previously been provided.
51. Also on March 13, 2018, during the same telephone call, Engler asked about the information provided in the Employment History Section of the 2018 Application. Billups stated the only employment that he had in the previous five years was as a DJ and that he had never actually been hired by any company that sold MVEsCs. Additionally during the March 13, 2018, telephone call, Engler asked Billups about the May 3, 2017, Class A Misdemeanor Charge for Possession of a Controlled Substance, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 1711-CR01619.
52. Engler directed Billups to provide a statement in writing explaining the Employment Work History section of the 2018 Application.
53. Also on March 13, 2018, Billups sent a facsimile to Engler stating Billups did not know the job with Dealer Protection, LLC required a license, but admitted that he received a \$3,500.00 "sign on" bonus from Dealer Protection, LLC.
54. Additionally, Billups wrote in the March 13, 2018, facsimile that he did not know

he was charged with any crimes and that the charges were being dropped.

55. On March 14, 2018, counsel for Billups submitted a facsimile to Engler that included documents for *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 1211-CR01736 and, for the first time, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Assoc. Judge Div., Case No. 0911-CR00820.
56. On March 15, 2018, Billups sent another facsimile to Engler where Billups states he thought he was charged in *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Assoc. Judge Div., Case No. 1711-CR01619, with Failure to Appear rather than Possession of a Controlled Substance. However, Billups also sent Engler a document signed by Billups on February 8, 2018, that indicated Billups was being charged with Possession of up to 35 Grams of Marijuana, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Assoc. Judge Div., Case No. 1711-CR01619.
57. It is inferable and found as fact that Billups answered Background Question No. 1 falsely in his 2011 Application so that the Director would not discover Billups' felony SIS or his July 27, 2010, Misdemeanor Conviction for Possession of Up to 35 Grams of Marijuana, and in order to improve the chances that the Director would issue a license to him, which, having been misled, the Director did. *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0711-CR07053-01 and *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0911-CR00820.
58. It is inferable and found as fact that in the 2013 Renewal Application, Billups answered "No" to Background Question No. 1 so that the Director would not discover Billups' felony conviction or his July 27, 2010, Misdemeanor Conviction for Possession of Up to 35 Grams of Marijuana and to improve the chances the Director would approve his renewal application and renew his MVESC license. *Id.*
59. It is inferable and found as fact that in the 2016 Application, Billups failed to disclose *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 1211-CR01736, Failure to Return to Confinement, or his July 27, 2010, Misdemeanor Conviction for Possession of Up to 35 Grams of Marijuana, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0911-CR00820, so that the Director would not discover Billups' misdemeanor convictions and in order to improve the chances that the Director would issue a license to Billups.
60. It is inferable and found as fact that in the 2016 Application, Billups failed to disclose the 2014 Refusal Order so that the Director would not discover it and to improve the chances the Director would issue a license to Billups.

61. It is inferable and found as fact that in the 2018 Application, Billups failed to disclose the July 16, 2012, Failure to Return to Confinement Misdemeanor Conviction, *State v. Charles Rodell Billups, Jr.*, St. Charles Co., Cir. Ct., Case No. 1211-CR01736; his July 27, 2010, Misdemeanor Conviction for Possession of Up to 35 Grams Marijuana, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0911-CR00820; the May 3, 2017, Class A Misdemeanor Charge, Possession of a Controlled Substance in Violation of § 195.202, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 1711-CR01619; and the February 3, 2016, Class A Misdemeanor Charge, Passing Bad Checks—Less than \$500, *State v. Charles R. Billups*, Cole Co. Cir. Ct., Case No. 17AC-CR00167 so that the Director would not discover the additional charges and convictions and to improve the chances the Director would issue a license to Billups.
62. It is inferable and found as fact that in the 2018 Application, Billups failed to account for all of his employment for the previous five years so that the Director would not discover Billups had been selling MVESCs without a license issued by the Department and to improve the chances the Director would issue Billups a license.
63. The Director is a state regulator of service contracts.

CONCLUSIONS OF LAW

64. Section 385.209.1, RSMo 2016,¹ 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 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;

* * *

¹ All further statutory references are to RSMo 2016 unless otherwise indicated.

(5) Been convicted of any felony;

* * *

(9) Been refused a license or had a license revoked or suspended by a state or federal regulator of service contracts, financial services, investments, credit, insurance, banking, or finance;

* * *

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

65. The Director may refuse to issue an MVESC producer license to Billups under § 385.209.1(3) because:

- a. Billups attempted to obtain a license through material misrepresentation or fraud. In his 2011 Application, Billups did not disclose his July 17, 2008, SIS for the Class C Felony of Possession of a Controlled Substance, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0711-CR07053-01 or his July 27, 2010, Misdemeanor Conviction for the Possession of Up to 35 Grams of Marijuana, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0911-CR00820;
- b. Additionally, in his 2016 Application for MVESC License, in response to Background Question No. 1, Billups answered "Yes." Billups disclosed his July 17, 2008, SIS and the January 5, 2012 SES, but he did not disclose the July 16, 2012, Failure to Return to Confinement Misdemeanor Conviction, *State v. Charles Rodell Billups*, St. Charles Co. Cir. Ct., Case No. 1211-CR01736 or his July 27, 2010, Misdemeanor Conviction for Possession of Up to 35 Grams of Marijuana, *State v. Charles Rodell Billups, Jr.*, Case No. 0911-CR00820. Furthermore, Billups failed to disclose the 2014 Refusal Order;
- c. On March 9, 2018, the Department received Billups' fourth Application for an MVESC License. In Response to Background Question No. 1, Billups answered "Yes" and disclosed his July 17, 2008, Class C Felony SIS and the subsequent January 5, 2012, SES, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0711-CR07053-01. But Billups did not disclose the July 16, 2012, Failure to Return to

Confinement Misdemeanor Conviction, *State v. Charles Rodell Billups, Jr.*, St. Charles Co., Cir. Ct., Case No. 1211-CR01736; his July 27, 2010, Misdemeanor Conviction for Possession of Up to 35 Grams Marijuana, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0911-CR00820; the May 3, 2017, the Class A Misdemeanor Charge, Possession of a Controlled Substance in Violation of § 195.202, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 1711-CR01619; or the February 3, 2016, Class A Misdemeanor Charge, Passing Bad Checks—Less than \$500, *State v. Charles R. Billups*, Cole Co. Cir. Ct., Case No. 17AC-CR00167.

- d. Further, Billups did answer “Yes” to Background Question No. 2, but Billups did not provide a written statement explaining or copies of the 2014 Refusal Order.
- e. Finally, Billups did not provide a complete employment history for the previous five years in the 2018 Application and did not disclose that he had engaged in the sale of \$188,696.81 worth of MVESCs without a license from the Department.

66. By failing to disclose the pending charges and convictions as set out above, Billups attempted to obtain a license through material misrepresentation or fraud. Each attempt constitutes a separate and sufficient ground under § 385.209.1(3) for the Director to refuse to issue Billups an MVESC producer license.

67. The Director may refuse to issue an MVESC producer license to Billups under § 385.209.1(5) because Billups has been convicted of a felony, as follows:

On July 17, 2008, Billups pled guilty to a Class C Felony, Possession of Controlled Substance except 35 Grams or Less of Marijuana, *State v. Charles Rodell Billups, Jr.*, St. Charles Co. Cir. Ct., Case No. 0711-CR07053-01. The St. Charles County Circuit Court suspended imposition of sentence and placed Billups on five years of probation. On January 2, 2012, the St. Charles County Circuit Court revoked Billups’ probation because Billups failed a mandatory, random drug test and sentenced Billups to five years. The Court then suspended execution of the sentence and placed Billups on another five years of probation. *Id.*

68. The conviction constitutes sufficient grounds under § 385.209.1(5) for the Director to refuse to issue Billups an MVESC producer license.

69. The Director may refuse to issue an MVESC producer license to Billups under § 385.209.1(9) because Billups has previously been refused a license by a state regulator of service contracts. In the 2014 Refusal Order, the Director, the Missouri state regulator of service contracts, refused to issue an MVESC producer license to Billups pursuant to § 385.209.1(5). *See Exhibit 1.*
70. The Director may refuse to issue an MVESC producer license to Billups under § 385.209.1(11) because Billups unlawfully acted as a producer without a license. An investigation of a June 2, 2016, complaint determined that Billups made \$188,696.81 worth of MVESC sales while employed by Dealers Protection, LLC, a company doing MVESC sales and holding a business entity MVESC producer's license. Billups did not have an individual MVESC producer license issued by the Department at the time he made the sales.
71. The above-described instances are grounds upon which the Director may refuse to issue Billups an MVESC individual producer license. Billups is still a convicted felon, just as he was when he previously applied for an MVESC producer license in 2011, in 2013, in 2016 and most recently in 2018. In the 2014 Refusal Order, the Director refused to issue Billups a license based upon that felony, Billups' failure to disclose that felony in his Application, and Billups providing false and misleading information in the 2013 Application in that Billups failed to disclose his felony conviction. In Billups' 2016 and 2018 Applications, Billups disclosed his felony conviction and, after some discussion, his misdemeanor conviction for Failure to Return to Confinement, but did not disclose additional misdemeanor charges and one additional misdemeanor conviction as outlined above. Billups further engaged in the sale of MVESCs without first obtaining an individual MVESC producer license, in violation of state law. Finally, Billups has previously been refused a license by a state regulator of service contracts. *See Exhibit 1.*
72. Accordingly, and for all of the reasons set out in the Petition, the Director has considered Billups' history and all of the circumstances surrounding Billups' Applications and is exercising her discretion to refuse to issue Billups an MVESC individual producer license.
73. The requested Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the MVESC producer license Application of **Charles Rodell Billups** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 12th DAY OF AUGUST, 2019.

Chlora Lindley Myers
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.

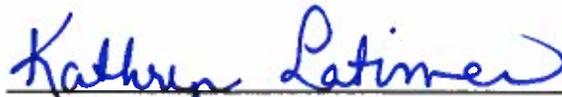
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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, with signature required, at the following address:

Charles Rodell Billups
1621 Ville Cecelia
St. Louis, Missouri 63042

Tracking No. 1Z0R15W84299078479



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