



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

TODD GREGORY BOWMAN SR.,

Applicant.

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Case No. 1902250331C

ORDER REFUSING TO ISSUE

MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On March 22, 2019, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the motor vehicle extended service contract producer license application of Todd Gregory Bowman Sr. 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. Todd Gregory Bowman Sr. ("Bowman") is a Missouri resident with an address of 1210 Mulberry Court, Troy, Missouri 63379-3326.
2. On September 19, 2007, Bowman pled guilty to, and was convicted of, Passing Bad Checks, a Class A misdemeanor in violation of § 570.120;¹ the court sentenced him to a fine. *State v. Todd G. Bowman*, St. Charles Co. Cir. Ct., Case No. 0711-CR05529 ("*State v. Bowman*").
3. The Assistant Prosecuting Attorney who instituted and prosecuted *State v. Bowman* was an officer of the State of Missouri.
4. The charging instrument in *State v. Bowman* alleged that Bowman had "with purpose to defraud, passed a check in the amount of \$49.91 drawn upon New Frontier Bank, payable to Dierbergs, knowing that it would not be paid."
5. On December 21, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Bowman's first Application for Motor Vehicle Extended Service Contract Producer License (the "2011 Application").
6. The "Applicant's Certification and Attestation" section of the 2011 Application states in

¹ All criminal statutory citations are to the version of the Missouri Revised Statutes in effect at the time of the offense.

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.

7. Bowman accepted the "Applicant's Certification and Attestation" section of the 2011 Application by his notarized signature dated December 1, 2011.
8. Bowman responded "Yes" to Background Information Question 1 of the 2011 Application, which asked 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?

* * *

"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.

* * *

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.

9. With his 2011 Application, Bowman provided some documents and information from his criminal record regarding older prosecutions, but none related to *State v. Bowman*.
10. On February 22, 2012, the Department, relying on Bowman's misrepresentation by his 2011 Application, issued him a motor vehicle extended service contract ("MVESC") producer license. It expired on February 22, 2014.
11. On May 22, 2015, the Missouri Department of Revenue filed a certificate of tax lien naming Bowman and indicating that \$3,712.82 "of [income] tax, interest, additions to tax, penalties, and fees have ... become final. Interest continues to accrue as provided by law until the full amount of the tax liability is paid" for the years 2010 and 2013. *Dep't of Revenue v. Todd G. Bowman, et al.*, Lincoln Co. Cir. Ct., Case No. 15L6-MC00287.

12. On August 28, 2018, the Department received Bowman's second Application for Motor Vehicle Extended Service Contract Producer License (the "2018 Application").
13. The "Applicant's Certification and Attestation" section of the 2018 Application states 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.
14. Bowman accepted the "Applicant's Certification and Attestation" section of the 2018 Application by his notarized signature dated August 23, 2018.
15. Bowman responded "No" to Background Information Question 1 of the 2018 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?
16. With his 2018 Application, Bowman did not provide any documents or information regarding his criminal record, either related to *State v. Bowman* or his earlier convictions referenced by the 2011 Application.
17. Bowman also responded "No" to Background Information Question 4 of the 2018 Application, which asked in relevant part:

Have you failed to pay state or federal income tax?

Have you failed to comply with an administrative or court order directing payment of state or federal income tax?

Answer "Yes" if the answer to either question (or both) is "Yes."
18. Under the Employment History section of the 2018 Application, Bowman indicated that he had held the position of "Sales/Saves Rep" at American Automotive in Wentzville, Missouri from 2012 until May 2014, and then the position of "Saves Rep" at United Auto Protection in Saint Peters, Missouri until July 2015.
19. American Automotive and United Auto Protection are MVESC businesses.

20. On September 24, 2018, Special Investigator Andrew Engler of the Department's Consumer Affairs Division ("Division") mailed an inquiry letter to Bowman requesting information and documentation about *State v. Bowman*, his earlier crimes, his tax delinquencies, and why he disclosed none of the matters on his 2018 Application. The letter advised Bowman that, "Pursuant to 20 CSR 100-4.100, your response [is] due within twenty days. ... Failure to respond could result in a refusal to issue your MVESC license."
21. The September 24, 2018 inquiry letter was not returned to the Division as undeliverable, or for any other reason; therefore, Bowman is presumed to have received it.
22. Bowman neither responded to the September 24, 2018 inquiry letter nor demonstrated reasonable justification for his nonresponse.
23. It is inferable, and hereby found as fact, that Bowman failed to disclose the prosecution of *State v. Bowman* and his state income tax delinquencies as required by the 2011 Application and 2018 Application in order to materially misrepresent to the Director the extent of his criminal record and tax noncompliance, and thereby improve the chances that his 2011 Application and 2018 Application would be approved and he would be granted a MVESC producer license.

CONCLUSIONS OF LAW

24. Section 385.209.1² 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:

- (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;

* * *

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

(7) Been found in violation of law by a court of competent jurisdiction in an action instituted by any officer of any state or the United States in any matter involving motor vehicle extended service contracts, financial services, investments, credit, insurance, banking, or finance;

* * *

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

* * *

(13) Failed to comply with any administrative or court order directing payment of state or federal income tax[.]

25. 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.

26. Accordingly, § 385.206.1(6) provides:

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:

* * *

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

27. Title 20 CSR 100-4.100(2)(A) is a rule of the Director and provides:

Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

28. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. E.D. 2000) (internal citation omitted).

29. The Director may refuse to issue Bowman a MVESC producer license pursuant to § 385.209.1(1) because as of February 22, 2012, his 2011 Application contained incorrect, misleading, or untruthful information since it did not disclose his prosecution in *State v. Bowman*.
30. The Director may refuse to issue Bowman a MVESC producer license pursuant to § 385.209.1(2) because he violated a rule of the Director, specifically 20 CSR 100-4.100, when he failed to respond to a Division inquiry letter and demonstrated no reasonable justification for his nonresponsiveness.
31. The Director may refuse to issue Bowman a MVESC producer license pursuant to § 385.209.1(3) because he obtained a license through material misrepresentation or fraud by failing to disclose the prosecution of *State v. Bowman* as required by the 2011 Application.
32. The Director may refuse to issue Bowman a MVESC producer license pursuant to § 385.209.1(3) because he attempted to obtain a license through material misrepresentation or fraud by failing to disclose the prosecution of *State v. Bowman* as required by the 2018 Application.
33. Each time Bowman 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).
34. The Director may refuse to issue Bowman a MVESC producer license pursuant to § 385.209.1(7) because he has been found in violation of § 570.120 by a court of competent jurisdiction in an action instituted by an officer of Missouri and related to financial services, banking, or finance. *See State v. Todd G. Bowman*, St. Charles Co. Cir. Ct., Case No. 0711-CR05529.
35. The Director may refuse to issue Bowman a MVESC producer license pursuant to § 385.209.1(11) because he unlawfully acted as a producer without a license after his previous MVESC producer license expired in 2014.
36. The Director may refuse to issue Bowman a MVESC producer license pursuant to § 385.209.1(13) because he has failed to comply with an administrative or court order directing payment of Missouri income tax. *See Dep't of Revenue v. Todd G. Bowman, et al.*, Lincoln Co. Cir. Ct., Case No. 15L6-MC00287.
37. The Director has considered Bowman's history and all of the circumstances surrounding Bowman's 2018 Application. Issuing Bowman a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Bowman a MVESC producer license.
38. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Todd Gregory Bowman Sr.** is hereby **REFUSED**.

SO ORDERED.

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



Chlora Lindley-Myers

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 13th day of August, 2019, 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:

Todd Gregory Bowman Sr.
1210 Mulberry Court
Troy, Missouri 63379-3326

No. 1Z0R15W84298556730



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