



FINAL ORDER
EFFECTIVE
12-04-2018

State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

IN RE:

CHASE JOSEPH BURGOS,

Applicant.

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Case No. 180411535C

ORDER REFUSING TO ISSUE
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On July 17, 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 Chase Joseph Burgos. 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. Chase Joseph Burgos ("Burgos") is a Missouri resident with a mailing address of 23 Barrington Drive, St. Peters, Missouri 63376-4509.
2. On November 7, 2014, the Saint Charles County Circuit Court entered a judgment against Burgos for \$1,036.74 of unpaid 2010 Missouri individual income tax. The judgment has not been satisfied. *See Dep't of Revenue v. Chase Burgos*, St. Charles Co. Cir. Ct., Case No. 1411-MC06281.
3. On July 29, 2016, the Saint Charles County Circuit Court entered a judgment against Burgos for \$1,282.80 of unpaid 2011 and 2012 Missouri individual income taxes. The judgment has not been satisfied. *See Dep't of Revenue v. Chase J. Burgos*, St. Charles Co. Cir. Ct., Case No. 1611-MC03530.
4. Burgos never reported to the Department any income tax delinquencies or any related administrative or court orders.
5. On December 14, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Burgos's Application for Motor Vehicle Extended Service Contract Producer License Renewal ("Application").¹

¹ Burgos previously held a motor vehicle extended service contract ("MVESC") producer license, but it expired on November 13, 2016 when he did not timely renew it.

6. Burgos falsely answered “No” to Background Information Question 4 of the 2017 Application, which asked, in relevant part:

Have you failed to pay state or federal income tax, which has not been previously reported to this insurance department?

Have you failed to comply with an administrative or court order directing payment of state or federal income tax, which has not been previously reported to this insurance department?

Answer “Yes” if the answer to either question (or both) is “Yes.”

7. By signing before a notary public on December 8, 2017, Burgos accepted the “Applicant’s Certification and Attestation” section of his Application which provided, 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.

8. On February 13, 2018, Special Investigator Andrew Engler of the Department’s Consumer Affairs Division (“Division”) mailed an inquiry letter to Burgos, requesting that he provide a payment agreement or letter of compliance from the Department of Revenue regarding his tax delinquencies. The letter advised Burgos that his response was due in twenty days and warned that “[f]ailure to respond could result in an administrative action.”
9. The United States Postal Service did not return the inquiry letter to the Division as being undeliverable, or for any other reason; therefore, it is presumed received by Burgos.
10. Burgos failed to provide a written response to the Division’s inquiry letter, and failed to demonstrate a reasonable justification for his nonresponsiveness.
11. It is inferable, and hereby found as fact, that Burgos failed to disclose his tax delinquencies as required by the Application in order to materially misrepresent to the Director his qualifications for licensure and thereby improve the chance that his Application would be approved and he would be granted a MVESC producer license.

CONCLUSIONS OF LAW

12. 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:

- (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; [or]

* * *

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

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

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.

14. "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. 2000) (internal citations omitted).
15. The Director may refuse to issue a MVESC producer license to Burgos pursuant to § 385.209.1(2) because Burgos failed to respond to an inquiry letter from the Division without reasonable justification, thereby violating 20 CSR 100-4.100(2)(A), a rule of the Director.
16. The Director may refuse to issue a MVESC producer license to Burgos pursuant to § 385.209.1(3) because he attempted to obtain a license through material misrep-

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

resentation or fraud by not disclosing his Missouri income tax delinquencies as required by the Application.

17. The Director may refuse to issue a MVESC producer license to Burgos pursuant to § 385.209.1(13) because he has failed to comply with an administrative or court order directing payment of Missouri income taxes. *See Dep't of Revenue v. Chase Burgos*, St. Charles Co. Cir. Ct., Case No. 1411-MC06281; *Dep't of Revenue v. Chase J. Burgos*, St. Charles Co. Cir. Ct., Case No. 1611-MC03530.
18. The Director has considered Burgos's history and all of the circumstances surrounding Burgos's Application. Issuing Burgos a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Burgos a MVESC producer license.
19. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Chase Joseph Burgos** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 3rd DAY OF October, 2018.



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.

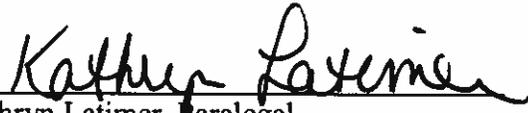
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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of November, 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:

Chase Joseph Burgos
23 Barrington Drive
Saint Peters, Missouri 63376-4509

No. 1Z0R15W84297237014



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