

**DEPARTMENT OF COMMERCE AND INSURANCE**

P.O. Box 690, Jefferson City, Mo. 65102-0690

**IN RE:**

**GARY MICHAEL BUSHART,**  
**Applicant.**

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**Case No. 2002060133C**

**ORDER REFUSING TO ISSUE PUBLIC ADJUSTER LICENSE**

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. After reviewing the Petition, the Investigative Report, and the entirety of the Petition file, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Gary Michael Bushart (“Bushart”) is a Missouri resident with a residential address of 418 Elm Grove Lane Apt. 6, Hazelwood, MO 63042.
2. On June 28, 2019, the Department Insurance, Financial Institutions and Professional Registration<sup>1</sup> received Bushart’s Missouri Uniform Application for Public Adjuster, Public Adjuster Solicitor, or Surplus Lines (“Application”), along with attachments.
3. Question C under Part III – Background Information of the Application asked, in relevant part (all caps omitted):

Have you ever been convicted of or pled nolo contendere (no contest) to any misdemeanor or felony, or currently have pending misdemeanor or felony charges filed against you?

<sup>1</sup> The Department of Insurance, Financial Institutions and Professional Registration is the predecessor agency of the Department of Commerce and Insurance. See Executive Order 19-02.

. . . If Yes, give date, name and address of court, basis of charge, outcome, and whether you received an executive pardon. Also, attach certified copies of the information or indictment and the final adjudication.

4. Bushart answered “Yes” to this question; however, he did not attach certified copies of the information or indictment and the final adjudication. Rather, Bushart attached a written statement and a printout from the Missouri Judiciary’s online case information portal Case.net regarding the following felony conviction:
  - a. On October 4, 1993, Bushart pleaded guilty to the Class A Felony of Attempted First Degree Robbery in violation of § 569.020 RSMo.<sup>2</sup> *State v. Gary Michael Bushart*, Case No. 11R019301811-01 (St. Charles Cnty. Cir. Ct.). According to the Information filed in the case, Bushart, acting in concert with others, attempted to rob a store by pointing a sawed-off shotgun at the clerk. The court sentenced Bushart to 7 years’ imprisonment.
5. Part V – Applicant Signature on the Application contains Bushart’s signature below the following statement, “This applicant first being duly sworn upon his/her oath, states that the statements contained in the above and foregoing application are true to the best of his/her knowledge and belief.”
6. On July 8, 2019, Chief of Investigations of the Consumer Affairs Division (“Division”) Marjorie Thompson sent an email inquiry to Bushart at the email address he provided on the Application, gbushart1@gmail.com. The email inquiry asked Bushart to provide certified copies of the information/charges and sentencing, as well as any evidence of probation or discharge from probation.
7. Bushart did not respond to Thompson’s email inquiry.
8. An investigation conducted by the Division revealed that Bushart had failed to disclose the following misdemeanor convictions in response to Question C under Part III – Background Information of the Application:
  - a. On September 1, 2009, Bushart pleaded guilty to three counts of passing bad checks in 1999 and 2000,<sup>3</sup> Class A misdemeanors in violation of § 570.120. *State v. Gary Bushart*, Case No. 00CR155800 (Montgomery Cnty. Cir. Ct.). According to the Information filed in the case, Bushart passed the checks with the purpose to defraud and

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<sup>2</sup> This and all other criminal statutory citations are to that version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

<sup>3</sup> Although a warrant was issued for Bushart when the case was filed on November 6, 2000, Bushart was not served with the warrant until 2009.

knowing that they would not be paid. The court sentenced Bushart to a total fine of \$75.

9. It is inferable, and hereby found as fact, that Bushart failed to disclose his misdemeanor convictions for passing bad checks in order to misrepresent to the Director that he did not have those convictions and in the hopes that the Director would look more favorably on his Application and issue a public adjuster license to him.

### CONCLUSIONS OF LAW

10. Section 325.030 RSMo (2016)<sup>4</sup> states, in relevant part:

1. The director shall issue the proper license when the requirements of sections 325.010 to 325.055 have been met, and a person receiving the license shall thereafter be known and styled a “licensed public adjuster”, or “licensed public adjuster solicitor”, as the case may be.

\* \* \*

3. Notwithstanding subsection 1, the director shall not issue a license to any person who has been convicted of a felony or other crime involving fraudulent or dishonest practices; and shall have the power to revoke, suspend or refuse a license as hereinafter provided.

11. Section 325.035 RSMo states, in relevant part:

1. Whenever the director shall be satisfied that an applicant for a license does not have the necessary qualifications to engage in the public adjustment business, or when he shall be satisfied that a holder of such license has engaged in false, fraudulent or misleading business practices, the director may refuse to issue the license or may revoke or suspend the license. Such refusal, revocation or suspension shall be accomplished pursuant to the provisions of chapter 621 and shall be based on one or more of the following grounds:

- (1) A violation of any provision of chapter 325; or

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<sup>4</sup> All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

(2) Any ground under subdivisions (2) to (12) of subsection 1 of section 375.141[.]

12. Section 375.141 RSMo states, in relevant part:

1. The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:

\* \* \*

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud; [or]

\* \* \*

(6) Having been convicted of a felony or crime involving moral turpitude[.]

13. The Director cannot issue a public adjuster license to Bushart under § 325.030.3 RSMo because Bushart was convicted of a felony or other crime involving fraudulent or dishonest practices. Bushart was convicted of the Class A Felony of Attempted First Degree Robbery in violation of § 569.020 RSMo. *See State v. Gary Michael Bushart*, Case No. 11R019301811-01 (St. Charles Cnty. Cir. Ct.). Bushart was also convicted of three counts of passing bad checks in violation of § 570.120. *See State v. Gary Bushart*, Case No. 00CR155800 (Montgomery Cnty. Cir. Ct.).
14. Each crime constitutes a separate and sufficient ground for the Director to refuse to issue Bushart a public adjuster license under § 325.030.3 RSMo.
15. The Director may refuse to issue a public adjuster license to Bushart under §§ 325.035.1(2) and 375.141.1(3) RSMo because Bushart attempted to obtain the license through material misrepresentation or fraud. Specifically, Bushart attempted to obtain a public adjuster license through misrepresenting his criminal history on the Application by failing to disclose his convictions for passing bad checks in *State v. Gary Bushart*, Case No. 00CR155800 (Montgomery Cnty. Cir. Ct.).
16. The Director may refuse to issue a public adjuster license to Bushart under §§ 325.035.1(2) and 375.141.1(6) RSMo because Bushart was convicted of a felony. Specifically, Bushart was convicted of the Class A Felony of Attempted First Degree Robbery in violation of § 569.020 RSMo. *See State v. Gary Michael Bushart*, Case No. 11R019301811-01 (St. Charles Cnty. Cir. Ct.).

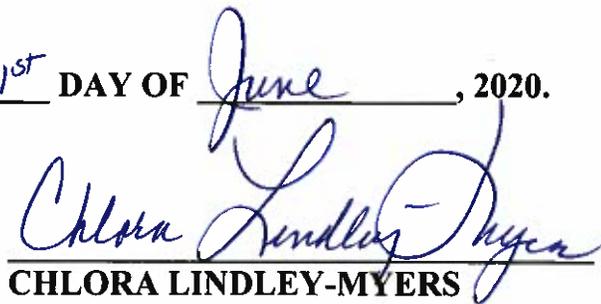
17. The Director may also refuse to issue a public adjuster license to Bushart under §§ 325.035.1(2) and 375.141.1(6) RSMo because Bushart was convicted of a crime involving moral turpitude. Bushart was convicted of the Class A Felony of Attempted First Degree Robbery in violation of § 569.020 RSMo. *See State v. Gary Michael Bushart*, Case No. 11R019301811-01 (St. Charles Cnty. Cir. Ct.). Bushart was also convicted of three counts of passing bad checks in violation of § 570.120. *See State v. Gary Bushart*, Case No. 00CR155800 (Montgomery Cnty. Cir. Ct.).
18. Each crime constitutes a separate and sufficient ground for the Director to refuse to issue Bushart a public adjuster license under §§ 325.035.1(2) and 375.141.1(6) RSMo.
19. The above-described instances are grounds for the Director to refuse to issue Bushart a public adjuster license under §§ 325.030.3 and 325.035.1 RSMo.
20. Each above-described instance independently constitutes a separate and sufficient ground for the Director to refuse to issue Bushart a public adjuster license.
21. The Director has considered Bushart's history and all of the circumstances surrounding Bushart's Application, and exercises her discretion to refuse to issue Bushart a public adjuster license.
22. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the public adjuster license Application of **Gary Michael Bushart** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 01<sup>st</sup> DAY OF June, 2020.

  
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**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.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of June, 2020, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Gary Michael Bushart  
418 Elm Grove Lane Apt. 6  
Hazelwood, MO 63042

Tracking No. 1Z0R15W84296357959



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