



State of Missouri

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

IN RE:)
)
CHRISTOPHER LANTONIO FLUKER,) **Case No. 160907409C**
)
Applicant.)

**ORDER REFUSING TO ISSUE MOTOR VEHICLE
EXTENDED SERVICE CONTRACT PRODUCER LICENSE**

On March 24, 2017, the Division of Consumer Affairs (“Division”), through counsel, submitted a Petition to the Director of the Department of Insurance, Financial Institutions and Professional Registration (“Director” of the “Department”) alleging cause to refuse to issue a motor vehicle extended service contract producer license to Christopher Lantonio Fluker. 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. Christopher Lantonio Fluker (“Fluker”) is an Illinois resident with a residential and mailing address of 1826 Main Street, Alton, Illinois 62002.
2. On December 29, 2011, the Department received Fluker’s Application for Motor Vehicle Extended Service Contract Producer License (“2011 Application”).
3. The “Applicant’s Certification and Attestation” section of the 2011 Application states, in relevant part:
 1. 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.

* * *

4. I further certify, under penalty of perjury, that a) I have no child-support

obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.

4. Fluker accepted the "Applicant's Certification and Attestation" section by signing the 2011 Application under oath and before a notary public on December 28, 2011.
5. Background 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 a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWT), 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 judgement.

6. Fluker answered "No" in response to Background Question No. 1 on his 2011 Application and failed to disclose the following criminal history:
 - a. On August 20, 2001, Fluker pled guilty to Criminal Non-Support, a Class D Felony, in violation of § 568.040.¹ The court suspended the imposition of sentence and ordered Fluker to complete five (5) years' supervised probation. On April 21, 2003, the court revoked Fluker's probation after he violated his

¹ All Missouri criminal statutory references are to those contained in the version of the Revised Statutes of Missouri pursuant to which the court rendered judgment or sentence.

probation by failing to pay his child support. The court sentenced Fluker to five (5) years' incarceration. *State v. Christopher Fluker*, Clay Co. Cir. Ct., Case No. 7CR198-001790.

- b. On July 2, 2008, Fluker pled guilty to and was convicted of Resisting/Obstructing Peace Officer, a Class A Misdemeanor, in violation of 720 ILCS 5/31-1.² The court sentenced Fluker to four (4) days' confinement, with credit for time served. *The People of the State of Illinois v. Christopher L. Fluker*, St. Clair Co. Cir. Ct., Case No. 94CM0007522.
- c. On July 2, 2008, Fluker pled guilty to and was convicted of Disorderly Conduct, a Class C Misdemeanor, in violation of 720 ILCS 5/26-1(a)(1). The court sentenced Fluker to four (4) days' confinement, with credit for time served. *The People of the State of Illinois v. Christopher L. Fluker*, St. Clair Co. Cir. Ct., Case No. 94CM0007523.
- d. On November 12, 2009, Fluker pled guilty to Criminal Non-Support, a Class D Felony, in violation of § 568.040. The court suspended the imposition of sentence and ordered Fluker to complete five (5) years' supervised probation. *State v. Christopher Fluker*, St. Louis Co. Cir. Ct., Case No. 09SL-CR04037-01.

7. Background Question No. 7 of the 2011 Application asks:

Do you have a child support obligation in arrearage?

If you answer yes:

- a) by how many months are you in arrearage?
- b) are you currently subject to and in compliance with any repayment agreement?
- c) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)

8. In response to Background Question No. 7 on his 2011 Application, Fluker answered that he does not have a child support obligation in arrearage, that he is six months in arrears, that he is subject to and in compliance with a repayment agreement, and that he is not the subject of a child support related subpoena/warrant.

9. Despite Fluker's contradictory responses to Background Question No. 7 on his 2011

² All Illinois criminal statutory references are to those contained in the version of the Illinois Compiled Statutes pursuant to which the court rendered judgment or sentence.

Application, Fluker had five (5) different child support cases open and his arrearages, at the time he signed and attested to the truthfulness and completeness of his 2011 Application, totaled at least \$81,114.00.

- a. On November 1, 1992, a child support obligation was established for the support of one (1) minor child. As of December 2011, Fluker's arrearage totaled \$25,518.28. *State v. Christopher Fluker*, Cole Co. Cir. Ct., Case No. CV1921089DR.
 - b. On November 7, 1994, a child support obligation was established for the support of one (1) minor child and Fluker was ordered to pay \$142.00 per month. As of December 2011, Fluker's arrearage totaled \$23,915.09. *Glasgow, et al v. Christopher Fluker*, Boone Co. Cir. Ct., Case No. 1394DR057420.
 - c. On October 15, 1995, a child support obligation was established for the support of one (1) minor child. As of December 2011, Fluker's arrearage totaled \$12,836.35. *Whitehorn v. Christopher Fluker*, St. Louis City Cir. Ct., Case No. 22957-02538.
 - d. On April 1, 2005, a child support obligation was established for the support of one (1) minor child and Fluker was ordered to pay \$117.00 per month. As of December 2011, Fluker's arrearage totaled \$7,004.30. *State v. Christopher Fluker*, St. Louis City Cir. Ct., Case No. 22057-00234.
 - e. On July 15, 2005, a child support obligation was established for the support of one (1) minor child and Fluker was ordered to pay \$244.00 per month. As of December 2011, Fluker's arrearage totaled \$11,839.98. *State v. Christopher Lantonio Fluker*, St. Louis Co. Cir. Ct., Case No. 2105FC-06732.
10. Relying on Fluker's misrepresentations on his 2011 Application, the Director issued a motor vehicle extended service contract ("MVESC") producer license (License No. 8088671) to Fluker on January 1, 2012.
 11. Fluker's MVESC producer license expired on December 31, 2013.
 12. On April 11, 2016, the Department received Fluker's completed Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2016 Application").
 13. The "Applicant's Certification and Attestation" section of the 2016 Application states, in relevant part:
 1. 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.

* * *

5. I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have a child support obligation that is in arrears, I am in compliance with a repayment plan to cure the arrears, and I have provided all the information and documentation requested in Background Information Question [7].

14. Fluker accepted the "Applicant's Certification and Attestation" section by signing the 2016 Application under oath and before a notary public on April 5, 2016.

15. Background Question No. 1 of the 2016 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 a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

"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, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

"Had a judgment 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").

Unless excluded by the language above, you must disclose convictions that have been expunged.

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.

- 16. Fluker answered "Yes" in response to Background Question No. 1 and hand-wrote on the application "Back Child Support."
- 17. Fluker failed to disclose his misdemeanor convictions for Resisting/Obstructing Peace Officer and Disorderly Conduct (as set forth in paragraph 6) in response to Background Question No. 1 on his 2016 Application.
- 18. Background Question No. 7 of the 2016 Application asks:

Do you currently have or have you had a child support obligation, which has not been previously reported to this insurance department?

If you answer yes:

- a) are you in arrearage?
- b) by how many months are you in arrearage? ____months
- c) what is the total amount of your arrearage?_____
- d) are you currently subject to a repayment agreement to cure the arrearage? (If you answer yes, provide documentation showing an approved repayment plan from the appropriate state child support agency.)
- e) are you in compliance with said repayment agreement? (If you answer yes, provide documentation showing proof of current payments from the appropriate state child support agency.)
- f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)
- g) have you ever been convicted of a misdemeanor or felony for failure to pay child support?

- 19. In response to Background Question No. 7, Fluker answered that he does have a child support obligation, he is not in arrearage, he is not subject to a repayment plan to cure an arrearage, he is the subject of a child support related subpoena/warrant, and he has not been convicted of a misdemeanor or felony for failure to pay child support.

20. Contrary to Fluker's sworn representation on his 2016 Application that he is not in arrearage, an investigation conducted by the Division confirmed the following child support obligations and arrearages, which at the time Fluker signed and attested to the accuracy of his 2016 Application, totaled at least \$84,937.07.
- a. On November 1, 1992, a child support obligation was established for the support of one (1) minor child. As of April 2016, Fluker's arrearage totaled \$23,614.25. *State v. Christopher Fluker*, Cole Co. Cir. Ct., Case No. CV1921089DR.
 - b. On November 7, 1994, a child support obligation was established for the support of one (1) minor child and Fluker was ordered to pay \$142.00 per month. As of April 2016, Fluker's arrearage totaled \$28,380.72. *Glasgow, et al v. Christopher Fluker*, Boone Co. Cir. Ct., Case No. 1394DR057420.
 - c. On October 15, 1995, a child support obligation was established for the support of one (1) minor child. As of April 2016, Fluker's arrearage totaled \$3,028.57. *Whitehorn v. Christopher Fluker*, St. Louis City Cir. Ct., Case No. 22957-02538.
 - d. On April 1, 2005, a child support obligation was established for the support of one (1) minor child and Fluker was ordered to pay \$117.00 per month. As of April 2016, Fluker's arrearage totaled \$11,303.65. *State v. Christopher Fluker*, St. Louis City Cir. Ct., Case No. 22057-00234.
 - e. On July 15, 2005, a child support obligation was established for the support of one (1) minor child and Fluker was ordered to pay \$244.00 per month. As of April 2016, Fluker's arrearage totaled \$18,609.88. *State v. Christopher Lantonio Fluker*, St. Louis Co. Cir. Ct., Case No. 2105FC-06732.

CONCLUSIONS OF LAW

21. Section 385.209 RSMo (Supp. 2013)³ states, in relevant part:
1. 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 All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise indicated.

(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;

* * *

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

* * *

(5) Been convicted of any felony; [or]

* * *

(12) Failed to comply with an administrative or court order imposing a child support obligation[.]

22. The Director may refuse to issue a MVESC producer license to Fluker pursuant to § 385.209.1(1) because Fluker 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 a material respect or contained incorrect, misleading, or untrue information. Fluker's "No" answer to Background Question No. 1 on his 2011 Application constitutes incorrect, misleading, and untrue information. In addition, Fluker's response to Background Question No. 7 constitutes incorrect, misleading, and untrue information in that his child support obligation was clearly more than six (6) months in arrears as evidenced by his arrearage totaling at least \$81,114.00. Fluker's incorrect, misleading, or untrue responses rendered Fluker's 2011 Application incomplete in a material respect.
23. The Director may refuse to issue a MVESC producer license to Fluker pursuant to § 385.209.1(3) because Fluker obtained a MVESC producer license through material misrepresentation or fraud in that he failed to disclose his criminal history in response to Background Question No. 1 and failed to disclose the full extent of his child support arrearage in response to Background Question No. 7 on his 2011 Application.
24. The Director may refuse to issue a MVESC producer license to Fluker pursuant to § 385.209.1(3) because Fluker attempted to obtain a MVESC producer license through material misrepresentation or fraud in that he failed to disclose his complete criminal history in response to Background Question No. 1 and failed to disclose his child support arrearage in response to Background Question No. 7 on his 2016 Application.

25. Each instance in which Fluker 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).
26. The Director may refuse to issue a MVESC producer license to Fluker pursuant to § 385.209.1(5) because Fluker has been convicted of a felony: Criminal Non-Support, a Class D Felony. *State v. Christopher Fluker*, Clay Co. Cir. Ct., Case No. 7CR198-001790.
27. The Director may refuse to issue a MVESC producer license to Fluker pursuant to § 385.209.1(12) because Fluker failed to comply with an administrative or court order imposing a child support obligation, as evidenced by the arrearages he owes in:
 - a. On November 1, 1992, a child support obligation was established for the support of one (1) minor child. At the time of his 2011 Application, Fluker's arrearage totaled at least \$25,518.28 and at the time of his 2016 Application, Fluker's arrearage totaled at least \$23,614.25. As of March 2017, Fluker's arrearage totals at least \$22,868.20. *State v. Christopher Fluker*, Cole Co. Cir. Ct., Case No. CV1921089DR.
 - b. On November 7, 1994, a child support obligation was established for the support of one (1) minor child and Fluker was ordered to pay \$142.00 per month. At the time of his 2011 Application, Fluker's arrearage totaled at least \$23,915.09 and at the time of his 2016 Application, Fluker's arrearage totaled at least \$28,380.72. As of March 2017, Fluker's arrearage totals at least \$28,141.74. *Glasgow, et al v. Christopher Fluker*, Boone Co. Cir. Ct., Case No. 1394DR057420.
 - c. On October 15, 1995, a child support obligation was established for the support of one (1) minor child. At the time of his 2011 Application, Fluker's arrearage totaled at least \$12,836.35 and at the time of his 2016 Application, Fluker's arrearage totaled at least \$3,028.57. As of March 2017, Fluker's arrearage totals at least \$3,028.57. *Whitehorn v. Christopher Fluker*, St. Louis City Cir. Ct., Case No. 22957-02538.
 - d. On April 1, 2005, a child support obligation was established for the support of one (1) minor child and Fluker was ordered to pay \$117.00 per month. At the time of his 2011 Application, Fluker's arrearage totaled at least \$7,004.30 and at the time of his 2016 Application, Fluker's arrearage totaled at least \$11,303.65. As of March 2017, Fluker's arrearage totals at least \$12,590.65. *State v. Christopher Fluker*, St. Louis City Cir. Ct., Case No. 22057-00234.

- e. On July 15, 2005, a child support obligation was established for the support of one (1) minor child and Fluker was ordered to pay \$244.00 per month. At the time of his 2011 Application, Fluker's arrearage totaled at least \$11,839.98 and at the time of his 2016 Application, Fluker's arrearage totaled at least \$18,609.88. As of March 2017, Fluker's arrearage totals at least \$18,423.96. *State v. Christopher Lantonio Fluker*, St. Louis Co. Cir. Ct., Case No. 2105FC-06732.
28. Each instance in which Fluker failed to comply with an administrative or court order imposing a child support obligation is a separate and sufficient ground for refusal pursuant to § 385.209.1(12).
29. The Director has considered Fluker's history and all of the circumstances surrounding Fluker's 2016 Application. Granting Fluker a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue a MVESC producer license to Fluker.
30. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that Christopher Lantonio Fluker's motor vehicle extended service contract producer license application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 01st DAY OF AUGUST, 2017.



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.

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of August, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Christopher Lantonio Fluker
1826 Main Street
Alton, Illinois 62002

Tracking No. 1Z0R15W84290395428



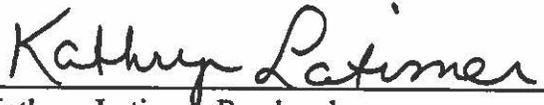
Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following address:

Christopher Lantonio Fluker
1826 Main Street
Alton, Illinois 62002

Certified No. 7016 0340 7970 3432



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, at the following address:

Christopher Lantonio Fluker
1826 Main Street
Alton, Illinois 62002



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
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Telephone: 573.751.6515
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