



## State of Missouri

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

IN RE:

CORRIE MONZELL HAIRSTON JR., )

Applicant. )

Case No. 140627533C

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

On July 31, 2014, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse to issue a motor vehicle extended service contract ("MVESC") producer license to Corrie Monzell Hairston Jr. 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. Corrie Monzell Hairston Jr. ("Hairston") is a Missouri resident with a residential address of record of 8920 Goodfellow, St. Louis, Missouri, 63147.
2. On November 6, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Hairston's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "Applicant's Certification and Attestation" section of the 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. Hairston signed the Application in the "Applicant's Certification and Attestation" section under oath and before a notary public.

5. Background Question No. 1 of the Application asks the following:

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 (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 is 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. Hairston marked "No" to Background Question No. 1.

7. During its investigation, the Consumer Affairs Division ("Division") of the Department discovered the following convictions and pending case that Hairston failed to disclose on his Application:

- a. On September 13, 1995, Hairston pled guilty to Passing a Bad Check Under \$150, a Class A Misdemeanor, in violation of § 570.120. The court imposed a monetary fine of \$250.00 as a penalty. *State v. Corrie M. Hairston*, St. Louis Co. Cir. Ct., Case No. 2195R-03299-01.
- b. On March 26, 2004, Hairston pled guilty to Passing a Bad Check Under \$150, a Class A Misdemeanor, in violation of § 570.120. The court sentenced Hairston to ninety (90) days' incarceration but suspended execution of sentence and placed Hairston on supervised probation for two (2) years. *State v. Corrie M. Hairston*, St. Louis Co. Cir. Ct., Case No. 2101R-02582-01.

- c. On April 10, 2011, Hairston was charged with Non-Support, Total Arrears in Excess of 12 Monthly Payments Due Under Order of Support, a Class D Felony, in violation of § 568.040. A counsel status hearing is scheduled for August 15, 2014. *State v. Corrie M. Hairston*, St. Louis Co. Cir. Ct., Case No. 11SL-CR03279-01.

8. Background Question No. 7 of the Application asks the following:

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, provided documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)

- 9. In response to Background Question No. 7, Hairston answered that he does have a child support obligation in arrearage, that he is twelve (12) months in arrears, that he is currently subject to and in compliance with a repayment agreement, and that he is subject to a child support related subpoena/warrant. Below Background Question No. 7, Hairston handwrote that he was "going thru court proceedings to get repayment plan. Court is 10-31-13 St. Louis County Court." Hairston did not provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.
- 10. On November 19, 2013, Hairston called the Department to check on his application status and spoke to Special Investigator Andrew Engler ("Investigator Engler"), with the Division. Special Investigator Engler asked Hairston about the child support obligation that he disclosed on his Application. Hairston stated that he owed around \$900.00 and he planned on paying that once he went to court for the repayment plan. Investigator Engler asked Hairston to provide the payment confirmation as soon as the payment has been made. Hairston never provided documentation of any sort.
- 11. Contrary to Hairston's statement on his Application and over the phone, the Division discovered that Hairston has six (6) different child support cases with a combined total arrearage of approximately \$145,730.50:
  - a. As of the date Hairston submitted his Application, Hairston owed S.W. \$15,369.40 in child support arrears. As of July 9, 2014, Hairston owed \$16,035.40 in arrears. The total child support payment Hairston is obligated to pay each month is \$74.00 and he has not made a payment in more than three

(3) years. *In re Shannicia Wilbourn and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 60486702 (Nov. 3, 1994).

- b. As of the date Hairston submitted his Application, Hairston owed T.B. \$58,939.71 in child support arrears. As of July 9, 2014, Hairston owed \$58,939.71 in arrears. The total child support payment Hairston is obligated to pay each month is \$0.00 and he has not made a payment in more than three (3) years. *In re Tanisha Beck and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 70649746 (Feb. 1, 1995).
- c. As of the date Hairston submitted his Application, Hairston owed S.W. \$30,980.69 in child support arrears. As of July 9, 2014, Hairston owed \$30,980.69 in arrears. The total child support payment Hairston is obligated to pay each month is \$0.00 and he has not made a payment in more than three (3) years. *In re Shannicia Wilborn and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 60486702 (Nov. 2, 1992).
- d. As of the date Hairston submitted his Application, Hairston owed C.C. \$13,448.03 in child support arrears. As of July 9, 2014, Hairston owed \$13,448.03 in arrears. The total child support payment Hairston is obligated to pay each month is \$0.00 and he has not made a payment in more than three (3) years. *In re Claudia Willis and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 00652808 (July 16, 1993).
- e. On July 30, 2005, an administrative order was filed in St. Louis County Circuit Court that ordered Hairston to pay S.N. \$178.00 per month for child support. As of the date Hairston submitted his Application, Hairston owed S.N. \$23,216.88 in arrears. As of July 9, 2014, Hairston was \$24,640.88 in arrears on this obligation and he has not made a payment in more than two (2) years. *MODCSE v. Hairston*, St. Louis Co. Cir. Ct., Case No. 22037-02835.
- f. On December 12, 2006, an administrative order was filed in the St. Louis County Circuit Court that ordered Hairston to pay V.B. \$25.00 per month for child support. As of the date Hairston submitted his Application, Hairston owed V.B. \$1,485.79 in arrears. As of July 9, 2014, Hairston was \$1,685.79 in arrears on this obligation and he has not made a payment in more than three (3) years. *State of Missouri Div. of CSE Et. Al. v. C. Hairston Et. al.*, St. Louis Co. Cir. Ct., Case No. 2106FC-08490.

12. Background Question No. 4 of the Application asks the following:

Have you ever been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?

13. Hairston marked "No" to Background Question No. 4.
14. Contrary to Hairston's response, the Division discovered the following outstanding tax obligations that Hairston failed to disclose:
  - a. On July 11, 2011, the St. Louis County Circuit Court entered a judgment against Hairston for unpaid taxes for the 2005 filing year as follows:

[Department of Revenue], under Section 143.902, RSMo, hereby certifies that the following assessment of tax, interest, additions to tax, penalties, and fees have been made and become final [in the amount of \$5,469.38]. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

*Department of Revenue v. Corrie M. Hairston*, St. Louis Co. Cir. Ct., Case No. 11SL-MC09127.

#### CONCLUSIONS OF LAW

15. Section 385.209 RSMo (Supp. 2013)<sup>1</sup> provides, in 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) Obtained or attempted to obtain a license through material misrepresentation or fraud;

\* \* \*

- (12) Failed to comply with an administrative or court order imposing a child support obligation;

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

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<sup>1</sup> All statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

16. Just as the principal purpose of § 375.141, the insurance producer disciplinary statute, is not to punish licensees or applicants, but to protect the public, *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984), the purpose of § 385.209 is not to punish applicants for a motor vehicle extended service contract producer license, but to protect the public.
17. The Director may refuse to issue a motor vehicle extended service contract ("MVESC") producer license to Hairston pursuant to § 385.209.1(3) because Hairston attempted to obtain a MVESC producer license through material misrepresentation or fraud when he failed to disclose the following convictions and pending charges on his Application in response to Background Question No. 1:
  - a. *State v. Corrie M. Hairston*, St. Louis Co. Cir. Ct., Case No. 2195R-03299-01 (Passing a Bad Check Under \$150, a Class A Misdemeanor, in violation of § 570.120).
  - b. *State v. Corrie M. Hairston*, St. Louis Co. Cir. Ct., Case No. 2101R-02582-01 (Passing a Bad Check Under \$150, a Class A Misdemeanor, in violation of § 570.120).
  - c. *State v. Corrie M. Hairston*, St. Louis Co. Cir. Ct., Case No. 11SL-CR03279-01 (Pending Charge for Non-Support, Total Arrears in Excess of 12 Monthly Payments Due Under Order of Support, a Class D Felony, in violation of § 568.040).
18. The Director may refuse to issue a MVESC producer license to Hairston pursuant to § 385.209.1(3) because Hairston attempted to obtain a MVESC producer license through material misrepresentation or fraud when, in response to Background Question No. 7, he stated that he had a child support obligation that was twelve (12) months in arrears. Contrary to Hairston's response, he has six (6) different child support cases with a combined total arrearage of approximately \$145,730.50, to wit:
  - a. *In re Shannicia Wilbourn and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 60486702 (Nov. 3, 1994) (Arrearage of approximately \$16,035.40).
  - b. *In re Tanisha Beck and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 70649746 (Feb. 1, 1995) (Arrearage of approximately \$58,939.71).
  - c. *In re Shannicia Wilborn and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 60486702 (Nov. 2, 1992) (Arrearage of approximately \$30,980.69).
  - d. *In re Claudia Willis and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 00652808 (July 16, 1993) (Arrearage of approximately \$13,448.03).

- e. *MODCSE v. Hairston*, St. Louis Co. Cir. Ct., Case No. 22037-02835 (Arrearage of approximately \$24,640.88).
  - f. *State of Missouri Div. of CSE Et. Al. v. C. Hairston Et. al.*, St. Louis Co. Cir. Ct., Case No. 2106FC-08490 (Arrearage of approximately \$1,685.79).
19. The Director may refuse to issue a MVESC producer license to Hairston pursuant to § 385.209.1(3) because Hairston attempted to obtain a MVESC producer license through material misrepresentation or fraud when he failed to disclose his delinquent tax obligation in response to Background Question No. 4:
- a. *Department of Revenue v. Corrie M. Hairston*, St. Louis Co. Cir. Ct., Case No. 11SL-MC09127 (Judgment in the amount of \$5,469.38 for unpaid taxes for the 2005 filing year).
20. Each failure to disclose is a separate and sufficient cause for refusal pursuant to § 385.209.1(3).
21. The Director may refuse to issue Hairston a MVESC producer license under § 385.209.1(12) because Hairston has failed to comply with administrative and court orders imposing child support obligations:
- a. *In re Shannicia Wilbourn and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 60486702 (Nov. 3, 1994) (Arrearage of approximately \$16,035.40).
  - b. *In re Tanisha Beck and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 70649746 (Feb. 1, 1995) (Arrearage of approximately \$58,939.71).
  - c. *In re Shannicia Wilborn and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 60486702 (Nov. 2, 1992) (Arrearage of approximately \$30,980.69).
  - d. *In re Claudia Willis and Corrie Hairston*, St. Louis Co. Cir. Ct., Case No. 00652808 (July 16, 1993) (Arrearage of approximately \$13,448.03).
  - e. *MODCSE v. Hairston*, St. Louis Co. Cir. Ct., Case No. 22037-02835 (Arrearage of approximately \$24,640.88).
  - f. *State of Missouri Div. of CSE Et. Al. v. C. Hairston Et. al.*, St. Louis Co. Cir. Ct., Case No. 2106FC-08490 (Arrearage of approximately \$1,685.79).
22. The Director may refuse to issue a MVESC producer license to Hairston pursuant to § 385.209.1(13) because he failed to comply with an administrative or court order directing payment of state income taxes:

- a. *Department of Revenue v. Corrie M. Hairston*, St. Louis Co. Cir. Ct., Case No. 11SL-MC09127 (Judgment in the amount of \$5,469.38 for unpaid taxes for the 2005 filing year).
23. The Director has considered Hairston's history and all of the circumstances surrounding Hairston's Application. Granting Hairston a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a MVESC producer license to Hairston.
24. This order refusing to issue a MVESC producer license to Hairston is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license application of **Corrie Monzell Hairston Jr.** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 4<sup>th</sup> DAY OF AUGUST, 2014.



  
**JOHN M. HUFF**  
**DIRECTOR**

**NOTICE**

**TO: Applicant and any unnamed persons aggrieved by this Order:**

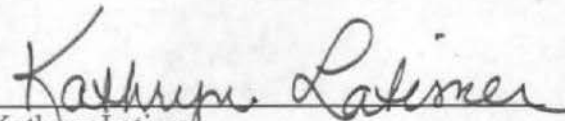
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 5th day of August, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required mail at the following addresses:

Corrie Monzell Hairston Jr.  
8920 Goodfellow  
St. Louis, Missouri, 63147

Tracking No. 1Z0R15W84297837741

  
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