



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

CHRISTOPHER J. WILLIAMS,

Applicant.

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Case No. 198502

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On September 16, 2013, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Christopher J. Williams. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Christopher J. Williams ("Williams") is a Missouri resident with a residential address of record of 4054 French Oak Ct., St. Charles, Missouri, 63306.
2. On February 5, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Williams's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Williams signed the Application before a notary, attesting that all of the information submitted in the Application was true and complete.
4. 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 or 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[.]
5. Williams marked “No” to Background Question No. 1.
 6. Williams did not disclose any criminal history in his Application.
 7. The Consumer Affairs Division’s investigation into Williams’s Application revealed that, contrary to Williams’s “No” answer to Background Question No. 1, Williams should have answered “Yes” and disclosed the following:
 - a. On June 23, 2003, Williams pleaded guilty in the St. Charles County Circuit Court to the Class A Misdemeanor of Assault in the Third Degree, in violation of § 565.070, RSMo.¹ The court suspended imposition of sentence and placed Williams on two (2) years’ probation. On December 1, 2004, the court revoked Williams’s probation, sentenced Williams to six (6) months’ in jail, suspended execution of the sentence, placed Williams on a new two-year probation term, and ordered Williams to serve fifteen (15) days’ shock incarceration.²
 - b. On or about December 2, 2004, Williams was found guilty in the St. Charles County Circuit Court of the Class C Felony of Possession of a Controlled Substance, in violation of § 195.202. The court suspended imposition of sentence and placed Williams on five (5) years’ probation.³
 - c. On or about August 12, 2006, in St. Charles, Missouri, Williams was cited for, and preliminarily charged with, the unclassified misdemeanor of Supplying Intoxicating Liquor to a Person Under Twenty-One Years Old, in violation of

¹ Statutory references are to the Revised Statutes of Missouri. References to criminal statutes are to the versions that were applied in each case. References to statutes in Chapters 374, 375 or 385 are to the versions in the 2012 Cumulative Supplement.

² *State of Missouri v. Christopher J. Williams*, St. Charles Co. Cir. Ct., No. 03CR127265.

³ *State of Missouri v. Christopher Jermaine Williams*, St. Charles Co. Cir. Ct., No. 03CR128117-01.

§ 311.310. Williams failed to appear at the December 28, 2006 arraignment and the Wayne County Circuit Court issued a warrant for his arrest. The case remains active but has not progressed since the warrant was issued.⁴

8. It is inferable, and is hereby found as fact, that Williams failed to disclose in his Application his Assault in the Third Degree conviction, his withheld or deferred judgment in the form of a suspended imposition of sentence in his Possession of a Controlled Substance case, and his pending charges in his Supplying Intoxicating Liquor to a Person Under Twenty-One Years Old, in order to mislead the Director into believing that Williams had no criminal history, and, accordingly, in order to improve the chances that the Director would approve his Application and issue him an MVESC producer license.
9. On February 11, 2013, Dennis Fitzpatrick, an investigator for the Department's Consumer Affairs Division, sent Williams a written inquiry letter noting the existence of Williams's criminal record despite his "No" answer to Background Question No. 1 and requiring Williams to provide a written explanation of the circumstances of each incident in his criminal history along with certified copies of the relevant court records.
10. Fitzpatrick mailed the February 11, 2013 letter by first class mail, to Williams's address of record, with sufficient postage attached.
11. The February 11, 2013 letter was not returned as undeliverable.
12. Williams never responded to the February 11, 2013 letter and has not demonstrated any justification for his failure to respond.
13. On May 22, 2013, Fitzpatrick sent Williams a second written inquiry letter, again noting the existence of Williams's criminal record despite his "No" answer to Background Question No. 1 and requiring Williams to provide a written explanation of the circumstances of each incident in his criminal history along with certified copies of the relevant court records.
14. Fitzpatrick mailed the May 22, 2013 letter by first class mail, to Williams's address of record, with sufficient postage attached.
15. The May 22, 2013 letter was not returned as undeliverable.
16. Williams never responded to the May 22, 2013 letter and has not demonstrated any justification for his failure to respond.
17. On July 3, 2013, Fitzpatrick sent Williams a third written inquiry letter, again noting the existence of Williams's criminal record despite his "No" answer to Background Question

⁴ *State of Missouri v. Christopher J. Williams*, Wayne Co. Cir. Ct., No. 06WY-CR00777.

No. 1 and requiring Williams to provide a written explanation of the circumstances of each incident in his criminal history along with certified copies of the relevant court records.

18. Fitzpatrick mailed the July 3, 2013 letter by first class mail, to Williams's address of record, with sufficient postage attached.
19. The July 3, 2013 letter was not returned as undeliverable.
20. Williams never responded to the July 3, 2013 letter and has not demonstrated any justification for his failure to respond.

CONCLUSIONS OF LAW

21. Section 385.209 RSMo, Supp. 2012, 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:

* * *

(2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director; [or]

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud[.]

22. Regulation 20 CSR 100-4.100(2) states:

(2) Except as required under subsection (2)(B)—

(A) 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.

(B) This rule shall not apply to any other statute or regulation which requires a different time period for a person to respond to an inquiry by the department. If another statute or regulation requires a shorter response time, the shorter

response time shall be met. This regulation operates only in the absence of any other applicable laws.

23. 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.
24. The Director may refuse to issue Williams an MVESC producer license under § 385.209.1(3) because Williams attempted to obtain a license through material misrepresentation or fraud when he falsely answered “No” to Background Question No. 1 of the Application and when he otherwise failed to disclose in his Application his Assault in the Third Degree conviction, his withheld or deferred judgment in the form of a suspended imposition of sentence in his Possession of a Controlled Substance case, and his pending charges in his Supplying Intoxicating Liquor to a Person Under Twenty-One Years Old, all in order to mislead the Director into believing that Williams had no criminal history, and, accordingly, in order to improve the chances that the Director would approve his Application and issue him an MVESC producer license.
25. Williams also may be refused a motor vehicle extended service contract producer license under § 385.209.1(2) because he violated a rule of the Director, in that he failed to adequately respond to three written inquiries from the Consumer Affairs Division—on February 11, May 22, and July 3, 2013—without demonstrating reasonable justification for any of his failures to respond, each time thereby violating regulation 20 CSR 100-4.100(2), which is a rule of the Director.
26. The Director has considered Williams’s history and all of the circumstances surrounding Williams’s Application. Granting Williams a motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a motor vehicle extended service contract producer license to Williams.
27. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **CHRISTOPHER J. WILLIAMS** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 19th DAY OF SEPTEMBER, 2013.



A handwritten signature in black ink, appearing to read "John M. Huff", is written over a horizontal line.

JOHN M. HUFF
DIRECTOR

NOTICE

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

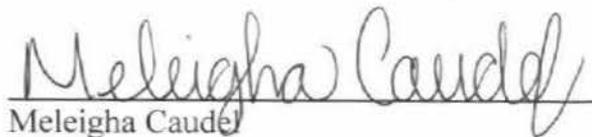
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 24th day of September, 2013, a copy of the foregoing Order and Notice was served upon the applicant in this matter by regular and certified mail at the following address:

Christopher J. Williams
4054 French Oak Ct.
St. Charles, Missouri 63306

Certified No. 7009 3410 0001 9255 0103



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