



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)
)
BRANDEN CARTER,) **Case No. 2104300839C**
AKA BRANDON J. CARTER)
)
Applicant.)

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

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance (“Director” of the “Department”), takes up the above matter for consideration and disposition. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. On July 9, 2020 the Department received an electronic application for a motor vehicle extended service contract producer license from a “Branden Carter” (“2020 Application”).
2. In the 2020 Application, “Branden Carter” listed his residence, business, and mailing address as 7050 Julian Avenue, St. Louis, Missouri 63130.
3. The Department’s Consumer Affairs Division (“Division”) investigated the 2020 Application and found numerous similarities between that application, ostensibly submitted by “Branden Carter,” and three other applications that the Department had received over the past several years from an individual named Brandon J. Carter.

4. Some of the similarities between the “Branden Carter” 2020 Application and previous applications from Brandon J. Carter are as follows:
 - a. Aside from the spelling of the first name (“Branden”) in the 2020 Application (as opposed to the spelling of “Brandon” in previous applications), and the lack of a middle initial in the 2020 Application, the name is the same.
 - b. The August 1982 date of birth listed on the 2020 Application matches the August 1982 date of birth listed on two prior applications from Brandon J. Carter. A third prior application from Brandon J. Carter bears a birthdate that is only two days off from the birthdate listed in the 2020 Application.
 - c. The last four digits of the Social Security Number listed in the 2020 Application are the same as the last four digits of the Social Security Number listed in an application that Brandon J. Carter filed in March of 2015.
 - d. The address used in the 2020 Application (7050 Julian Avenue, St. Louis, Missouri 63130) is the same address listed in the application that Brandon J. Carter filed in March of 2015.
 - e. The employment history in the 2020 Application submitted by “Branden Carter” has overlap with the employment histories listed in prior applications by Brandon J. Carter, namely, listed employment with both Samsung and Auto Assure.
 - f. The signatures on Brandon Carter’s 2013 Application, the March 2015 Application and the May 2015 Application are similar. Because the 2020 Application was filed electronically, it does not bear a handwritten signature that might be used for comparison purposes.
5. Based upon the above similarities between the 2020 Application and other applications that Brandon J. Carter previously filed with the Department, and on information and belief, the person who filed the 2020 Application under the name “Branden Carter” is, in fact, Brandon J. Carter (“Carter”), who was born in August 1982.

2020 Application

6. The “Applicant’s Certification and Attestation” section of the 2020 Application states, in relevant part:

1. I hereby certify that, under penalty of perjury, 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 that, under penalty of perjury, 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.

7. Carter answered “Yes” to the “Applicant’s Certification and Attestation” question on the 2020 Application.

8. Background Question 1 of the 2020 Application asks in relevant part:

1A. Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence, driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)

1B. Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)

9. Carter responded “No” to Background Questions 1A and 1B on his 2020 Application.

10. After investigation, the Division found that Carter had the following criminal history that he failed to disclose:¹

¹ Printed charging documents in Carter’s criminal cases list a Social Security Number that is two digits off from the number that appears on the first application he filed with the Department in 2013. Those printed charging documents also list a birthdate from August 1982, though the days listed differ from those in handwritten documents filed in his criminal cases. There are also a few documents from Carter’s criminal cases that list a handwritten birth date from August 1962. These similarities in Social Security Numbers and dates of birth strengthen the inference that the “Branden Carter” who filed the 2020 Application is Brandon J. Carter, who has filed three previous applications with the Department.

a. On June 24, 2011, Carter pled guilty to Forgery, a Class C Felony, in violation of § 570.090.² The court suspended imposition of sentence, placed Carter on five years of supervised probation, and ordered Carter to pay \$4,379.19 in restitution. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-C00809-01.

b. On January 24, 2013, Carter pled guilty to Theft/Stealing (Value of Property or Services is \$5,000 or More but Less than \$25,000), a Class C Felony, in violation of § 570.030. *State of Missouri v. Brandon Carter*, St. Louis Co. Cir. Ct., Case No. 12SL-CR00550-01. The court sentenced Carter to five years in the custody of the Department of Corrections, suspended execution of sentence, and placed Carter on five years of supervised probation. *Id.*

c. On September 12, 2014, Carter pled guilty to Criminal Non Support, a Class A Misdemeanor, in violation of § 568.040. *State of Missouri v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12679-01. The court suspended imposition of sentence, placed Carter on probation for two years, and ordered him to pay \$50.00 per month in support for his minor child. *Id.*

d. On February 5, 2015, Carter pled guilty to two counts of Passing a Bad Check, a Class C Felony, in violation of § 570.120. *State of Missouri v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12835-01. The court sentenced Carter to seven years in the Missouri Department of Corrections on each count, to be served concurrently. *Id.* The court suspended execution of sentence on both counts and placed Carter on supervised probation for five years with special conditions. *Id.*

11. Background Question 2 on the 2020 Application asks:

Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding a professional or occupational license or registration? “Involved” means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. “Involved” also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. “Involved” also

² All criminal statutory references are to that version of the Revised Statutes of Missouri in effect at the time of the offense.

means having a license, or registration application denied or the act of withdrawing an application to avoid a denial.

12. Carter responded “No” to Background Question 2 on his 2020 Application.
13. As discussed in more detail below, Carter submitted three applications to the Department previously, in 2013, March of 2015, and May of 2015. The Director refused all of these prior applications. *See In re: Brandon Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014) (“2014 Refusal Order”) (attached as Exhibit A); *In re: Brandon J. Carter*, Case No. 150706357C, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License (October 23, 2015) (“2015 Refusal Order”) (attached as Exhibit B); and *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, No. 151118512C (March 30, 2016) (“2016 Refusal Order”) (attached as Exhibit C). Carter did not challenge these refusal orders by filing complaints with the Administrative Hearing Commission, even though he had the opportunity to do so, *see* § 621.120, or attempt to appeal those refusal orders in any other way. The 2014 Refusal Order, the 2015 Refusal Order, and the 2016 Refusal Order are therefore final. Thus, and contrary to his answer to Background Question 2, Carter has been a party in an administrative proceeding – at least three times.
14. Background Question 7 of the 2020 Application asks: Do you have a child support obligation in arrears?
15. Carter answered “No” in response to Background Question 7.
16. During its investigation, the Division discovered that, contrary to his answer to Background Question 7, Carter owes the following support obligations:
 - a. Carter was ordered to pay \$50.00 per month in child support to T.H. for the support of C.H. *State of Missouri, Div. of Child Support Enforcement v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 2105FC-01395. As of December 14, 2021, Carter owes \$2,221.77 in arrears in this case. *Id.*
 - b. Carter was ordered to pay \$228.00 per month in child support to L.T. for the support of M.T. *State of Missouri, Family Support Div. v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 0722-FC00696. As of December 14, 2021, Carter owes \$26,667.16 in arrears in this case. *Id.*
 - c. Carter was ordered to pay \$269.00 per month in child support to L.R. for the support of M.C. *State of Missouri, Family Support Div. v. Brandon J. Carter*, St.

Louis Co. Cir. Ct., Case No. 08SL-DR04925. As of December 14, 2021, Carter owes \$31,013.86 in arrears in this case.³ *Id.*

17. It is inferable, and hereby found as fact, that Carter used an incorrect Social Security Number in his 2020 Application⁴ in order to misrepresent his identity to the Director and attempt to increase his chances that the Director would approve his 2020 Application and issue a motor vehicle extended service contract producer license to him.
18. It is inferable, and hereby found as fact, that Carter used an incorrect spelling of his first name on his 2020 Application in order to misrepresent his identity to the Director and attempt to increase his chances that the Director would approve his 2020 Application and issue a motor vehicle extended service contract producer license to him.
19. It is inferable, and hereby found as fact, that Carter failed to disclose his criminal history in his 2020 Application in an attempt to improve the chances that the Director would approve his 2020 Application and issue a motor vehicle extended service contract producer license to him. This inference is strengthened by the fact that, three times previously, Carter failed to disclose his complete criminal history to try to improve the chances that the Director would approve his three prior applications from 2013, March 2015, and May of 2015. *See* Exhibits A, B, and C.
20. It is inferable, and hereby found as fact, that Carter failed to disclose his administrative history with this Department in his 2020 Application in an attempt to improve the chances that the Director would approve his 2020 Application and issue a motor vehicle extended service contract producer license to him. This inference is strengthened by the fact that, twice previously, Carter failed to disclose his administrative history with this Department to try to improve the chances that the Director would approve two of his three prior applications, from March 2015 and May 2015. *See* Exhibits B and C.
21. It is inferable, and hereby found as fact, that Carter failed to disclose his child support arrearage in his 2020 Application in an attempt to improve the chances that the Director would approve his 2020 Application and issue a motor vehicle extended contract producer license to him. This inference is further supported by the fact that, three times previously, Carter failed to disclose the full extent of his child support arrearages to try to improve the chances that the Director would approve his three

³ As of September 13, 2021, Carter thus owes \$59,902.79 in total arrears for his three cases.

⁴ As noted, *see* paragraph 4c, above, Carter used a similar Social Security Number in his March 2015 Application to the Department. These similar Social Security Numbers differ, however, from the Social Security Number listed in his criminal cases. *See* n. 1, above.

prior applications from 2013, March 2015, and May 2015. *See* Exhibits A, B, and C, attached.

2013 Application/2014 Refusal Order

22. On August 13, 2013, the Department of Insurance, Financial Institutions and Professional Registration⁵ received Carter's Application for Motor Vehicle Extended Service Contract Producer License ("2013 Application").
23. The Social Security Number Carter that listed on his 2013 Application differs by two digits from the Social Security Number that appears on printed charging documents in his criminal cases.
24. In the 2014 Refusal Order, the Director found that grounds existed to refuse Carter's 2013 Application pursuant to § 385.209(2), (3), (5), and (12).⁶ *See* Exhibit A, attached. In particular, the Director refused Carter's 2013 Application because he failed to disclose his felony stealing conviction and the true extent of several child support arrearages, because he had been convicted of a felony, because he failed to comply with administrative and court orders imposing child support obligations, and because he violated a regulation of the Director by failing to respond to three written inquiries. *Id.*

March 2015 Application/2015 Refusal Order

25. On March 27, 2015, the Department of Insurance, Financial Institutions and Professional Registration received Carter's Application for Motor Vehicle Extended Service Contract Producer License ("March 2015 Application").
26. The Social Security Number that Carter listed on his March 2015 Application differs from the Social Security Number that he provided on the 2013 Application, but bears the same last four digits as the partial Social Security Number that Carter listed in his 2020 Application.
27. In the 2015 Refusal Order, the Director of the Department found that grounds existed to refuse Carter's March 2015 Application pursuant to § 385.209.1(2), (3), (5), (9), and (12) because of all the grounds for refusal indicated in the 2014 Refusal Order. The Director also found additional grounds because Carter made the following material misrepresentations in the March 2015 Application: he provided

⁵ The Department of Insurance, Financial Institutions and Professional Registration was reorganized and renamed the Department of Commerce and Insurance in 2019. *See* Executive Order 19-02. All further references to the Director refer to the Director of the same agency – either the Department of Insurance, Financial Institutions and Professional Registration or the Department of Commerce and Insurance, depending upon the time in question.

⁶ This and all further civil statutory references are to the Revised Statutes of Missouri 2016, unless otherwise noted.

an incorrect Social Security Number and date of birth, he failed to disclose his criminal history to include two felony forgery charges, a felony stealing conviction, two felony convictions for passing bad checks, and a misdemeanor charge of criminal non-support, he failed to disclose the 2014 Refusal Order, and he failed to disclose his child support arrearages. The Director found further grounds because Carter has been convicted of three felonies, because he has been refused a license by a state regulator of service contracts, and because he has failed to comply with administrative or court orders imposing child support obligations. *See Exhibit B, attached.*

May 2015 Application/2016 Refusal Order

28. On May 11, 2015, the Department of Insurance, Financial Institutions and Professional Registration received Carter's Application for Motor Vehicle Extended Service Contract Producer License ("May 2015 Application").
29. The Social Security Number that Carter listed on his May 2015 Application does not match the Social Security Numbers listed on any of his other applications (the 2013 Application, the March 2015 Application, and the 2020 Application).
30. In the 2016 Refusal Order, the Director found that grounds existed to refuse Carter's May 2015 Application pursuant to § 385.209.1(2), (3), (5), (9), and (12) because of all the grounds for refusal indicated in the 2014 Refusal Order and the 2015 Refusal Order. The Director also found additional grounds because Carter made the following material misrepresentations in the May 2015 Application: he failed to disclose his criminal history to include two felony forgery charges, a felony stealing conviction, two convictions for felony passing bad checks, and a misdemeanor charge of criminal non-support, he failed to disclose the 2014 Refusal Order and the 2015 Refusal Order, and he failed to disclose his child support arrearages. The Director found further grounds because Carter has been convicted of three felonies, because he has twice been refused a license by a state regulator of service contracts, and because he has failed to comply with administrative or court orders imposing child support obligations. *See Exhibit C, attached.*

CONCLUSIONS OF LAW

31. Section 385.209.1 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;

* * *

(5) Been convicted of any felony;

* * *

(9) Been refused a license or had a license revoked or suspended by a state or federal regulator of service contracts, financial services, investments, credit, insurance, banking, or finance; [or]

* * *

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

32. The Director is a state regulator of service contracts.

33. Title 20 of the Code of State Regulations sets forth the rules of the Director; 20 CSR 100-4.100(2)(A) provides:

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 determines the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction is deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay[.]

34. Collateral estoppel "is used to preclude the relitigation of an issue that has already been decided in a different cause of action." *Brown v. Carnahan*, 370 S.W.3d 637, 658 (Mo. banc 2012); *Holden v. Director of Dep't of Ins., Fin. Insts. and Prof'l Reg'n*, No. 15-1224 (Mo. Admin. Hrg. Comm'n Feb. 4, 2016) ("Collateral estoppel, or issue preclusion, bars relitigation of issues that were necessarily and unambiguously decided in a prior proceeding").

35. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(2) because Carter violated a rule of the Director, 20 CSR 100-4.100(2)(A), in that Carter failed to respond to three inquiry letters from the Division without demonstrating reasonable justification for his failure to respond, as previously found in the 2014 Refusal Order, the 2015 Refusal Order, and the 2016 Refusal Order. *See Exhibits A, B, and C, attached.* Carter may not relitigate these facts or the conclusion that this constitutes grounds to refuse the license, as these issues have been decided previously. *Holden v. Director of Dep't of Ins., Fin. Insts. and Prof'l Reg'n*, No. 15-1224 (Mo. Admin. Hrg. Comm'n Feb. 4, 2016).
36. Each instance where Carter violated a rule of the Director constitutes separate and sufficient cause for refusal pursuant to § 385.209.1(2).
37. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a license through material misrepresentation or fraud, in that he failed, across his three prior applications, to disclose his complete criminal history in response to Background Question 1, as previously found in the 2014 Refusal Order, the 2015 Refusal Order, and the 2016 Refusal Order. *See Exhibits A, B, and C, attached.* Carter may not relitigate these facts or the conclusion that this constitutes grounds to refuse the license as these issues have been decided previously. *Holden v. Director of Dep't of Ins., Fin. Insts. and Prof'l Reg'n*, No. 15-1224 (Mo. Admin. Hrg. Comm'n Feb. 4, 2016).
38. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a license through material misrepresentation or fraud, in that he failed to disclose his criminal history in response to Background Question 1 on his 2020 Application.
39. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a license through material misrepresentation or fraud, in that he failed, across two of his prior applications, to disclose his administrative history in response to Background Question 2, as previously found in the 2015 Refusal Order and the 2016 Refusal Order. *See Exhibits B and C, attached.* Carter may not relitigate these facts or the conclusion that this constitutes grounds to refuse the license as these issues have been decided previously. *Holden v. Director of Dep't of Ins., Fin. Insts. and Prof'l Reg'n*, No. 15-1224 (Mo. Admin. Hrg. Comm'n Feb. 4, 2016).
40. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a license through material misrepresentation or fraud, in that he failed to disclose his

prior administrative history with this Department in response to Background Question Number 2 on his 2020 Application.

41. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a license through material misrepresentation or fraud, in that he failed, across his three prior applications, to disclose the full scope of his child support arrearages in response to Background Question 7, as previously found in the 2014 Refusal Order, the 2015 Refusal Order, and the 2016 Refusal Order. *See* Exhibits A, B, and C, attached. Carter may not relitigate these facts or the conclusion that this constitutes grounds to refuse the license as these issues have been decided previously. *Holden v. Director of Dep't of Ins., Fin. Insts. and Prof'l Reg'n*, No. 15-1224 (Mo. Admin. Hrg. Comm'n Feb. 4, 2016).
42. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a license through material misrepresentation or fraud, in that he failed to disclose any child support arrearages in response to Background Question 7 on his 2020 Application.
43. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a license through material misrepresentation or fraud, in that he provided incorrect Social Security Numbers in his March 2015 Application and his May 2015 Application, as found in the 2015 Refusal Order and the 2016 Refusal Order. *See* Exhibits B and C. Carter may not relitigate these facts or the conclusion that this constitutes grounds to refuse the license as these issues have been decided previously. *Holden v. Director of Dep't of Ins., Fin. Insts. and Prof'l Reg'n*, No. 15-1224 (Mo. Admin. Hrg. Comm'n Feb. 4, 2016).
44. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a license through material misrepresentation or fraud, in that he provided a misspelling of his first name and incorrect Social Security Number on his 2020 Application.
45. Each instance where Carter attempted to obtain a license through material misrepresentation or fraud constitutes a separate and sufficient cause for refusal pursuant to § 385.209.1(3).
46. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(5) because Carter has been convicted of a felony. Indeed, Carter has been convicted of three felonies: felony stealing and two counts of felony passing bad checks. *State of Missouri v. Brandon Carter*, St. Louis

Co. Cir. Ct., Case No. 12SL-CR00550-01; *State v. Brandon J. Carter*, St. Louis Co., Cir. Ct., Case No. 13SL-CR12835-01. To the extent that the 2014 Refusal Order found that the Director had grounds to refuse the license because Carter had been convicted of felony stealing, *see* Exhibit A, attached, and to the extent that the 2015 Refusal Order and 2016 Refusal Order found that the Director had grounds to refuse the license because Carter had been convicted of felony stealing and two counts of felony passing bad checks, *see* Exhibits B and C, attached, Carter may not relitigate these facts or the conclusion that this constitutes grounds to refuse the license as these issues have been decided previously. *Holden v. Director of Dep't of Ins., Fin. Insts. and Prof'l Reg'n*, No. 15-1224 (Mo. Admin. Hrg. Comm'n Feb. 4, 2016).

47. Each felony conviction constitutes a separate and sufficient cause for refusal pursuant to § 385.209.1(5).
48. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(9) because Carter has been refused a license by a state regulator of service contracts, in that the Director has refused to issue a motor vehicle extended service contract license to Carter three times previously: in the 2014 Refusal Order, in the 2015 Refusal Order and in the 2016 Refusal Order. *See* Exhibits A, B, and C, attached. To the extent that the 2015 Refusal Order and the 2016 Refusal Order found that the Director had grounds to refuse the license because Carter had been refused a license by a state regulator of service contracts, Carter may not relitigate these facts or the conclusion that this constitutes grounds to refuse the license as these issues have been decided previously. *Holden v. Director of Dep't of Ins., Fin. Insts. and Prof'l Reg'n*, No. 15-1224 (Mo. Admin. Hrg. Comm'n Feb. 4, 2016).
49. Each instance where Carter has been refused a license by a state regulator of service contracts constitutes separate and sufficient cause for refusal pursuant to § 385.209.1(9).
50. The Director may refuse to issue a motor vehicle extended service contract producer license to Carter pursuant to § 385.209.1(12) because Carter has failed to comply with an administrative or court order imposing a child support obligation, as evidenced by his current arrearages in three cases of \$59,902.79 in total as of December 14, 2021. To the extent that the 2014 Refusal Order, the 2015 Refusal Order, and the 2016 Refusal Order found that the Director had grounds to refuse the license because Carter had failed to comply with an administrative or court order imposing a child support obligation, Carter may not relitigate these facts or the conclusion that this constitutes grounds to refuse to license as these issues have been decided previously. *Holden v. Director of Dep't of Ins., Fin. Insts. and Prof'l Reg'n*, No. 15-1224 (Mo. Admin. Hrg. Comm'n Feb. 4, 2016).

51. Each instance where Carter failed to comply with an administrative or court order imposing a child support obligation constitutes separate and sufficient cause for refusal pursuant to § 385.209.1(12).
52. Since Carter did not appeal the 2014 Refusal Order, the 2015 Refusal Order, and the 2016 Refusal Order, and since those orders are now final, Carter is precluded from relitigating the findings of fact and conclusions of law contained in those orders. *Brown v. Carnahan*, 370 S.W.3d 637, 658 (Mo. banc 2012); *Holden v. Director of Dep't of Ins., Fin. Insts. and Prof'l Reg'n*, No. 15-1224 (Mo. Admin. Hrg. Comm'n Feb. 4, 2016).
53. The Director has considered Carter's history and all of the circumstances surrounding Carter's 2020 Application. Issuing a motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Carter a motor vehicle extended service contract producer license.
54. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **Branden Carter, aka Brandon J. Carter**, is hereby **REFUSED**.

SO ORDERED. WITNESS MY HAND THIS 06th DAY OF

June, 2022.



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.


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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 2022, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following address:

Branden Carter
7050 Julian Avenue
St. Louis, Missouri 63130

Tracking No. 1Z0R15W84297996909



Kathryn Latimer, Paralegal
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State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE: BRANDON J. CARTER, Applicant. Case No. 203322

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On February 27, 2014, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract (MVESC) producer license to Brandon J. Carter. 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. Brandon J. Carter ("Carter") is a Missouri resident with a residential address of record of 6530 Bartmer Avenue, St. Louis, Missouri, 63130.
2. On August 13, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Carter's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. By signing the Application, Carter attested and certified that "all of the information submitted in this application and attachments is 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. Carter answered “No” to Question No. 1.

6. Contrary to Carter’s “No” answer to Question No. 1, investigation by the Consumer Affairs Division revealed that Carter had been convicted of a felony and had a judgment withheld or deferred (a suspended imposition of sentence) after pleading guilty to a second felony:

- a. On January 24, 2013, Carter pleaded guilty in the St. Louis County Circuit Court to the Class C Felony of Stealing (Over \$500), in violation of § 570.030. The court sentenced Carter to five years’ imprisonment, but suspended execution of the sentence, placed Carter on 120 days’ home detention, and placed Carter on five years’ probation;¹ and
- b. On June 24, 2011, Carter pleaded guilty in the St. Louis County Circuit Court to the Class C Felony of Forgery, in violation of § 570.090. The court suspended the imposition of sentence and placed Carter on five years’ probation. The court also ordered Carter to pay \$4,379.19 in restitution. The Indictment in this matter alleged that Carter “with purpose to defraud, made telephone calls authorizing payment from an account so that they purported to have a genuineness that they did not possess.”²

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

7. Do you have a child support obligation in arrearage?

If you answer yes:

- a) by how many months are you in arrearage? _____ months
- 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,

¹ *State of Missouri v. Brandon J. Carter*, St. Louis Co. Cir. Ct., No. 12SL-CR00550-01.

² *State of Missouri v. Brandon J. Carter*, St. Louis Co. Cir. Ct., No. 08SL-CR00809-01.

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

8. Carter answered "Yes" to Background Question No. 7, indicated that he was four months in arrearage and that he was subject to and in compliance with a repayment agreement.
9. Contrary to Carter's answer to Question No. 7, as of the date of the Application Carter owed a total of \$32,295.77 in arrearages on three separate child support obligations. The total child support payment Carter was obligated to pay each month as of August 13, 2013, was \$547.00. At that monthly rate, Carter's arrearage represented approximately 59 unpaid months. At no time has Carter provided any evidence of a repayment agreement or of compliance with any repayment agreement.
10. As of February 18, 2014, Carter owed a total of \$35,356.92 in child support arrearages.
11. On April 25, 2005, the St. Louis County Circuit Court, in a paternity action, entered a judgment ordering Carter to pay \$50.00 per month in child support to T.H.³
12. As of the date of the Application, Carter was \$410.79 in arrearage on his child support obligation to T.H. As of February 18, 2014, Carter was \$690.61 in arrearage on his child support obligation to T.H.
13. July 20, 2007, the St. Louis County Circuit Court, in a paternity action, entered a judgment ordering Carter to pay \$228.00 per month in child support to L.T. and to reimburse the State of Missouri \$3,600 for public assistance payments made to L.T. for the benefit of the child.⁴
14. As of the date of the Application, Carter was \$17,751.36 in arrearage on his child support obligation to L.T. As of February 18, 2014, Carter was \$19,027.31 in arrearage on his child support obligation to L.T.
15. On July 31, 2008, the State of Missouri Division of Child Support Enforcement filed its order directing Carter to pay \$269.00 per month in child support to L.R., which became the judgment of the court.⁵
16. As of the date of the Application, Carter was \$14,133.62 in arrearage on his child support obligation to L.R. As of February 18, 2014, Carter was \$15,639.00 in arrearage on his child support obligation to L.R.

³ *State of Missouri, Div. of Child Support Enforcement, et al. v. Brandon J. Carter et al.*, St. Louis Co. Cir. Ct., No. 2105FC-01395.

⁴ *State of Missouri, Family Support Div. v. Brandon J. Carter*, St. Louis City Cir. Ct., No. 0722-FC00696.

⁵ *State of Missouri, Div. of Family Services, et al. v. Brandon J. Carter*, St. Louis Co. Cir. Ct., No. 08SL-DR04925.

17. On December 23, 2013, Carter was charged in the St. Louis County Circuit Court with the Class D Felony of Criminal Non-Support.⁶
18. On August 21, 2013, Consumer Affairs Division investigator Andrew Engler mailed Carter a written inquiry, noting Carter's "Yes" answer to Background Question No. 7, and requesting that Carter provide the current status of his child support arrearage and any evidence of a repayment arrangement and his payment history.
19. Engler mailed the August 21, 2013 letter by first class mail, to Carter's address of record, with sufficient postage attached.
20. The August 21, 2013 letter was not returned as undeliverable.
21. Carter never adequately responded to the August 21, 2013 letter and has not demonstrated any justification for his failure to adequately respond.
22. On September 10, 2013, Consumer Affairs Division investigator Andrew Engler mailed Carter a second written inquiry, again noting Carter's "Yes" answer to Background Question No. 7, and requesting that Carter provide the current status of his child support arrearage and any evidence of a repayment arrangement and his payment history. In this written inquiry, Engler also noted Carter's "No" answer to Background Question No. 1 and informed Carter that Engler's investigation had revealed Carter's felony Forgery suspended imposition of sentence and felony Stealing conviction. Engler requested a statement explaining the circumstances surrounding the felony charges and of Carter's failure to disclose them in his Application.
23. Engler mailed the September 10, 2013 letter by first class mail, to Carter's address of record, with sufficient postage attached.
24. The September 10, 2013 letter was not returned as undeliverable.
25. Carter never adequately responded to the September 10, 2013 letter and has not demonstrated any justification for his failure to adequately respond.
26. On September 24, 2013, Consumer Affairs Division investigator Andrew Engler mailed Carter a third written inquiry, again noting Carter's "Yes" answer to Background Question No. 7, and requesting that Carter provide the current status of his child support arrearage and any evidence of a repayment arrangement and his payment history. In this written inquiry, Engler again noted Carter's "No" answer to Background Question No. 1 and informed Carter that Engler's investigation had revealed Carter's felony Forgery suspended imposition of sentence and felony Stealing conviction. Engler again requested a statement explaining the circumstances surrounding the felony charges and of Carter's failure to disclose them in his Application.

⁶ *State of Missouri v. Brandon J. Carter*, St. Louis Co. Cir. Ct., No. 13SL-CR12679.

27. Engler mailed the September 24, 2013 letter by first class mail, to a second mailing address provided by Carter—P.O. Box 300464, St. Louis, Missouri, 63130—with sufficient postage attached.
28. The September 24, 2013 letter was not returned as undeliverable.
29. Carter never responded to the September 24, 2013 letter and has not demonstrated any justification for his failure to respond.
30. It is inferable, and hereby found as fact, that Carter falsely answered “No” to Question No. 1 and failed to disclose his conviction of the Class C Felony of Stealing (Over \$500) and his suspended imposition of sentence for the Class C Felony of Forgery, in order to falsely represent to the Director that he had no criminal history and, accordingly, to improve the chances that the Director would approve his Application and issue him an MVESC producer license.
31. It is inferable, and hereby found as fact, that in response to Question No. 7 of the Application, Carter falsely indicated that he owed only four months’ worth of child support arrearages and that he was in compliance with a child support payment agreement in order to falsely minimize to the Director the extent of his failure to comply with administrative and court orders imposing child support obligations and, accordingly, to improve the chances that the Director would approve his Application and issue him an MVESC producer license.

CONCLUSIONS OF LAW

32. 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;
 - (3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

* * *
 - (5) Been convicted of any felony;

* * *

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

33. 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.

34. 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.
35. The Director may refuse to issue an MVESC producer license to Carter under § 385.209.1(5) because Carter has been convicted of a felony:
- a. The Class C Felony of Stealing (Over \$500), in violation of § 570.030.
36. The Director also may refuse to issue an MVESC producer license to Carter under § 385.209.1(3) because Carter attempted to obtain an MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Question No. 1 and failed to disclose his conviction of the Class C Felony of Stealing (Over \$500) and his suspended imposition of sentence for the Class C Felony of Forgery, in order to falsely represent to the Director that he had no criminal history and, accordingly, to improve the chances that the Director would approve his Application and issue him an MVESC producer license.
37. The Director also may refuse to issue an MVESC producer license to Carter under § 385.209.1(3) because Carter attempted to obtain an MVESC producer license through

material misrepresentation or fraud when he falsely indicated in his Application that he owed only four months' worth of child support arrearages and that he was in compliance with a child support payment agreement in order to falsely minimize to the Director the extent of his failure to comply with administrative and court orders imposing child support obligations and, accordingly, to improve the chances that the Director would approve his Application and issue him an MVESC producer license.

38. The Director also may refuse to issue Carter an MVESC producer license under § 385.209.1(12) because Carter has failed to comply with administrative and court orders imposing child support obligations:
- a. As of the date of the Application Carter owed a total of \$32,295.77 in arrearages on three separate child support obligations. The total child support payment Carter was obligated to pay each month as of August 13, 2013, was \$547.00. At that monthly rate, Carter's arrearage represented approximately 59 unpaid months.
 - b. As of February 18, 2014, Carter owed a total of \$35,356.92 in child support arrearages.
 - c. On April 25, 2005, the St. Louis County Circuit Court, in a paternity action, entered a judgment ordering Carter to pay \$50.00 per month in child support to T.H.
 - d. As of the date of the Application, Carter was \$410.79 in arrearage on his child support obligation to T.H. As of February 18, 2014, Carter was \$690.61 in arrearage on his child support obligation to T.H.
 - e. July 20, 2007, the St. Louis County Circuit Court, in a paternity action, entered a judgment ordering Carter to pay \$228.00 per month in child support to L.T. and to reimburse the State of Missouri \$3,600 for public assistance payments made to L.T. for the benefit of the child.
 - f. As of the date of the Application, Carter was \$17,751.36 in arrearage on his child support obligation to L.T. As of February 18, 2014, Carter was \$19,027.31 in arrearage on his child support obligation to L.T.
 - g. On July 31, 2008, the State of Missouri Division of Child Support Enforcement filed its order directing Carter to pay \$269.00 per month in child support to L.R., which became the judgment of the court.
 - h. As of the date of the Application, Carter was \$14,133.62 in arrearage on his child support obligation to L.R. As of February 18, 2014, Carter was \$15,639.00 in arrearage on his child support obligation to L.R.
39. The Director also may refuse to issue an MVESC producer license to Carter under

§ 385.209.1(2) because Carter violated a rule of the Director, in that he failed to adequately respond to three written inquiries from the Consumer Affairs Division—on August 21, 2013, September 10, 2013, and September 24, 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.

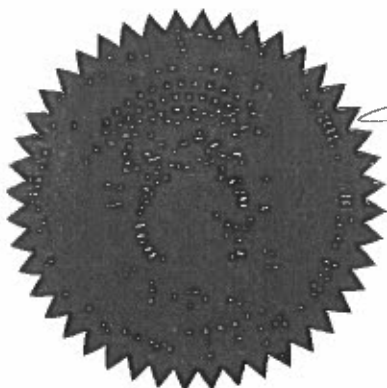
40. The Director has considered Carter's history and all of the circumstances surrounding Carter's Application. Granting Carter an MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a MVESC producer license to Carter.
41. This order is in the public interest.

ORDER

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

SO ORDERED.

WITNESS MY HAND THIS 3RD DAY OF MARCH, 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 4th day of March, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by certified mail at the following addresses:

Brandon J. Carter
6530 Bartmer Avenue
St. Louis, Missouri 63130

Certified No. 7009 3410 0001 9254 717.

Brandon J. Carter
P.O. Box 300464
St. Louis, Missouri 63130

Certified No. 7009 3410 0001 9254 717.



Angie Gross

Senior Office Support Assistant

Investigations Section

Missouri Department of Insurance, Financial

Institutions and Professional Registration

301 West High Street, Room 530

Jefferson City, Missouri 65101

Telephone: 573.751.1922

Facsimile: 573.522.3630

Email: angie.gross@insurance.mo.gov



State of Missouri

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

IN RE:

BRANDON J. CARTER,
Applicant.

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Case No. 150706357C

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

On October 22, 2015, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse to issue a motor vehicle extended service contract producer license to Brandon J. Carter. 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. Brandon J. Carter ("Carter") is a Missouri resident with a residential address of record of 7050 Julian Ave, St. Louis, Missouri 63130.
2. On August 13, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Carter's Application for Motor Vehicle Extended Service Contract Producer License ("2013 Application").
3. On March 3, 2014, the Director of the Department issued an Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License ("2014 Refusal Order") to Carter. The Director found that grounds existed to refuse Carter's 2013 Application pursuant to § 385.209.1(2), (3), (5) and (12) RSMo (Supp. 2013)¹ as follows:
 - a. Section 385.209.1(2) because Carter failed to adequately respond to three inquiries from the Consumer Affairs Division on August 21, 2013, September 10, 2013, and September 24, 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.
 - b. Section 385.209.1(3) because Carter attempted to obtain a motor vehicle extended service contract ("MVESC") producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 1 and failed

¹ All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise noted.

to disclose his conviction of the Class C Felony of Stealing (Over \$500) and his suspended imposition of sentence for the Class C Felony of Forgery.

- c. Section 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely indicated in his Application that he owed only four months' worth of child support arrearages and that he was in compliance with a child support payment agreement.
- d. Section 385.209.1(5) because Carter has been convicted of a felony: the Class C Felony of Stealing (over \$500), in violation of § 570.030 RSMo.²
- e. Section 385.209.1(12) because Carter has failed to comply with administrative and court orders imposing child support obligations, and as of the date of his application, Carter owed a total of \$32,295.77 in arrearages on three separate child support obligations.

In re: Brandon Carter, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014).

4. The 2014 Refusal Order included a Notice that provided instructions regarding filing a complaint with the Administrative Hearing Commission of Missouri ("Commission") within 30 days. *Id.*
5. On March 4, 2014, the Department served Carter with the 2014 Refusal Order via certified mail.
6. Carter did not file a complaint with the Commission.
7. On March 27, 2015, the Department received Carter's Application for Motor Vehicle Extended Service Contract Producer License ("2015 Application").
8. The "Applicant's Certification and Attestation" section of the 2015 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.

* * *

² All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri under which the court rendered judgment.

5. I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation that 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 information and documentation requested in Background Information Question 36.7.
9. Carter signed the 2015 Application in the "Applicant's Certification and Attestation" section under oath and before a notary public.
10. During its investigation, the Consumer Affairs Division ("Division") of the Department discovered that the social security number Carter provided on his 2015 Application, [REDACTED]-XXXX, does not match the social security number he provided on his 2013 Application, [REDACTED]-XXXX.
11. During its investigation, the Division further discovered that the birthdates Carter provided on his 2015 Application and 2013 Application differed.
12. Background Question No. 1 of the 2015 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?

"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.

13. Carter marked "No" to Background Question No. 1.
14. Contrary to Carter's answer to Background Question No. 1 on his 2015 Application, the Division's investigation revealed the following criminal history that Carter failed to disclose:
 - a. On January 16, 2015, Carter pled guilty to two counts of Passing Bad Check - \$500 or More - No Account/Insufficient Funds, a Class C Felony, in violation of § 570.120. The court sentenced Carter to seven years' incarceration on both counts, but suspended execution of both sentences and ordered Carter to serve 30 days' shock incarceration and 60 days' house arrest, and placed Carter on five years' supervised probation. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12835-01.
 - b. On September 12, 2014, Carter pled guilty to Criminal Non-Support, a Class A Misdemeanor, in violation of § 568.040. The court suspended imposition of sentence, placed Carter on two years' supervised probation, and ordered Carter to pay \$50.00 a month for the support of his child. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12679-01.
 - c. On January 24, 2013, Carter pled guilty to Theft/Stealing (Value of Property or Services is \$500 or More but Less than \$25,000), a Class C Felony, in violation of § 570.030. The court sentenced Carter to five years' incarceration, but suspended execution of the sentence and ordered Carter to serve 120 days' home detention and five years' supervised probation. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 12SL-CR00550-01.
 - d. On June 24, 2011, Carter pled guilty to Forgery, a Class C Felony, in violation of § 570.090. The court suspended imposition of sentence, placed Carter on five years' supervised probation, and ordered Carter to pay \$4,379.19 in restitution. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-CR00809-01.
15. Background Question No. 2 of the 2015 Application asks:

Have you ever been named or involved as a party in an administrative proceeding or action regarding any professional or occupational license or registration, or regarding the lack of such license or registration?

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, a voluntary forfeiture, a

cease and desist order, a prohibition order, a consent order, or being placed on probation. "Involved" also includes the act of surrendering a license to resolve an administrative proceeding or action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license or is related to the lack of such license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You must **INCLUDE** any business so named because of your actions or because of your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may **EXCLUDE** terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

16. Carter answered "No" to Background Question No. 2.
17. Contrary to Carter's answer to Background Question No. 2 on his 2015 Application, on March 3, 2014, the Director of the Department issued a Refusal Order to Carter after finding that grounds existed to refuse Carter's 2013 Application pursuant to § 385.209.1(2), (3), (5) and (12). *In re: Brandon Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014) ("2014 Refusal Order").
18. Background Question No. 7 of the 2015 Application asks:

Do you have a child support obligation in arrearage?

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 subject to 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. Carter answered "No" to Background Question No. 7.
20. Contrary to Carter's answer to Background Question No. 7 on his 2015 Application, the Division discovered three child support obligations in arrearage that Carter failed to disclose.
21. As of the date of his 2015 Application, Carter owed a total of \$39,523.70 in arrears on his three separate child support obligations:
 - a. Carter owed \$49.65 in child support arrears to T.H. as of March 2015 when the Department received Carter's 2015 Application. Carter is obligated to pay \$50.00 per month in child support. As of October 2015, Carter owed \$397.21 in arrears. *State of Missouri, Div. of Child Support Enforcement v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 2105FC-01395.
 - b. Carter owed \$21,197.11 in child support arrears to L.T. as of March 2015 when the Department received Carter's 2015 Application. Carter is obligated to pay \$228.00 per month in child support. As of October 2015, Carter owed \$21,862.70 in arrears. *State of Missouri, Family Support Div. v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 0722-FC00696.
 - c. Carter owed \$18,276.94 in child support arrears to L.R. as of March 2015 when the Department received Carter's 2015 Application. Carter is obligated to pay \$269.00 per month in child support. As of October 2015, Carter owed \$19,872.33 in arrears. *State of Missouri, Div. of Family Services v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-DR04925.
22. It is inferable, and hereby found as fact, that Carter failed to disclose his criminal history in response to Background Question No. 1 on his 2015 Application to misrepresent to the Director that he had no criminal history and to improve the likelihood that the Director would issue him a MVESC producer license.
23. It is inferable, and hereby found as fact, that Carter failed to disclose his three child support obligations and their arrearages in response to Background Question No. 7 on his 2015 Application to misrepresent to the Director that he had no child support obligations and to improve the likelihood that the Director would issue him a MVESC producer license.
24. Each of these inferences are further supported by the fact that Carter previously attempted to obtain a MVESC producer license through material misrepresentation or

fraud by failing to fully and truthfully disclose his criminal background and his history of failure to pay child support. *In re: Brandon Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014).

25. It is also inferable, and hereby found as fact, that Carter listed an incorrect social security number and incorrect birthdate on his 2015 Application to misrepresent his identity to the Director in an attempt to conceal his criminal history and child support arrearages and therefore increase the likelihood that the Director would issue him a MVESC producer license.
26. It is further inferable, and hereby found as fact, that Carter failed to disclose the 2014 Refusal Order in response to Background Question No. 2 on his 2015 Application and intended to materially misrepresent his identity to the Director in order to convince the Director that he was a new applicant without the history of a previous refusal by the Director.

CONCLUSIONS OF LAW

27. Section 385.209 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) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;
 - (3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

* * *

 - (5) Been convicted of any felony;

* * *

 - (9) Been refused a license or had a license revoked or suspended by a state regulator of service contracts, financial services, investments, credit, insurance, banking, or finance;

* * *

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

28. Title 20 CSR 100-4.100(2)(A) states, in relevant part:

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.

29. Collateral estoppel "is used to preclude the relitigation of an issue that already has been decided in a different cause of action." *Brown v. Carnahan*, 370 S.W.3d 637, 658 (Mo. banc 2012) (citation omitted).

30. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(2) because, as found in the 2014 Refusal Order, Carter failed to respond to three inquiries from the Division on August 21, 2013, September 10, 2013, and September 24, 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. *In re: Brandon Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014).

31. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because, as found in the 2014 Refusal Order, Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 1 on his 2013 Application and failed to disclose his conviction of the Class C Felony of Stealing (Over \$500) and his suspended imposition of sentence for the Class C Felony of Forgery. *Id.*

32. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because, as found in the 2014 Refusal Order, Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely indicated in his 2013 Application that he owed only four months' worth of child support arrearages and that he was in compliance with a child support payment agreement. *Id.*

33. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(5) because, as found in the 2014 Refusal Order, Carter has been convicted of a felony: the Class C Felony of Stealing (over \$500), in violation of § 570.030. *Id.*

34. The Director may refuse to issue a MVESC producer license to Carter pursuant to

- § 385.209.1(12) because, as found in the 2014 Refusal Order, Carter failed to comply with administrative and court orders imposing child support obligations, and as of the date of his 2013 Application, Carter owed a total of \$32,295.77 in arrearages on three separate child support obligations. *Id.*
35. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he provided an incorrect social security number and incorrect birthdate on his 2015 Application.
36. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 1 on his 2015 Application and failed to disclose the following criminal history:
- a. Passing Bad Check - \$500 or More - No Account/Insufficient Funds, a Class C Felony. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12835.
 - b. Passing Bad Check - \$500 or More - No Account/Insufficient Funds, a Class C Felony. *Id.*
 - c. Criminal Non-Support, a Class A Misdemeanor (Suspended Imposition of Sentence). *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12679-01.
 - d. Theft/Stealing (Value of Property or Services is \$500 or More but Less than \$25,000), a Class C Felony. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 12SL-CR00550-01.
 - e. Forgery, a Class C Felony (Suspended Imposition of Sentence). *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-CR00809-01.
37. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 2 on his 2015 Application and failed to disclose the 2014 Refusal Order. *In re: Brandon Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014).
38. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 7 on his 2015 Application and failed to disclose his child support arrearages:

- a. *State of Missouri, Div. of Child Support Enforcement v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 2105FC-01395 (Arrearage of \$49.65 when the Department received Carter's 2015 Application; Arrearage of \$397.21 as of October 2015).
 - b. *State of Missouri, Family Support Div. v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 0722-FC00696 (Arrearage of \$21,197.11 when the Department received Carter's 2015 Application; Arrearage of \$21,862.70 as of October 2015).
 - c. *State of Missouri, Div. of Family Services v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-DR04925 (Arrearage of \$18,276.94 when the Department received Carter's 2015 Application; Arrearage of \$19,872.33 as of October 2015).
39. Each attempt to obtain a MVESC producer license through material misrepresentation or fraud is a separate and sufficient ground for refusal pursuant to § 385.209.1(3).
 40. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(5) because Carter has been convicted of three felonies:
 - a. Passing Bad Check - \$500 or More - No Account/Insufficient Funds, a Class C Felony. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12835.
 - b. Passing Bad Check - \$500 or More - No Account/Insufficient Funds, a Class C Felony. *Id.*
 - c. Theft/Stealing (Value of Property or Services is \$500 or More but Less than \$25,000), a Class C Felony. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 12SL-CR00550-01.
 41. Each felony conviction is a separate and sufficient ground for refusal pursuant to § 385.209.1(5).
 42. The Director may refuse to issue a MVESC producer license to Carter under § 385.209.1(9) because Carter has been refused a license by a state regulator (the Director) of service contracts. *In re: Brandon J. Carter*, Order Refusing to Issue a Motor Vehicle Extended Service Contract Producer License, DIFP Case No. 203322 (March 3, 2014).
 43. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(12) because Carter failed to comply with three administrative or court orders imposing child support obligations:
 - a. *State of Missouri, Div. of Child Support Enforcement v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 2105FC-01395 (Arrearage of \$49.65 when the Department received Carter's 2015 Application; Arrearage of \$397.21 as of

October 2015).

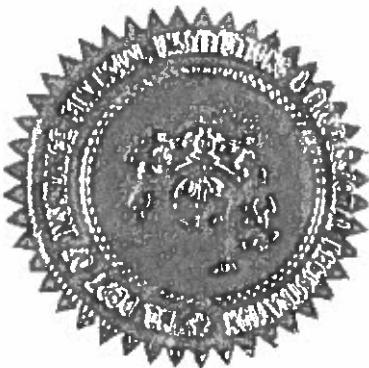
- b. *State of Missouri, Family Support Div. v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 0722-FC00696 (Arrearage of \$21,197.11 when the Department received Carter's 2015 Application; Arrearage of \$21,862.70 as of October 2015).
 - c. *State of Missouri, Div. of Family Services v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-DR04925 (Arrearage of \$18,276.94 when the Department received Carter's 2015 Application; Arrearage of \$19,872.33 as of October 2015).
44. Each failure 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).
45. Since Carter did not appeal the 2014 Refusal Order, he is precluded from relitigating the 2014 Refusal Order which included findings of fact that Carter violated a rule of the Director when he failed to respond to three inquiries; attempted to obtain a MVESC producer license through material misrepresentation or fraud when he failed to disclose his felony conviction, felony suspended sentence, and the full extent of his child support arrearage; had been convicted of a felony; and failed to comply with three administrative or court orders imposing child support obligations.
46. The Director has considered Carter's history and all of the circumstances surrounding Carter's 2015 Application. Granting Carter 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 Carter.
47. This order is in the public interest.

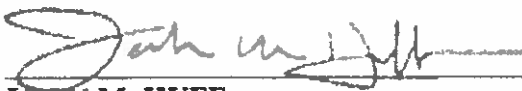
ORDER

IT IS THEREFORE ORDERED that **Brandon J. Carter's** motor vehicle extended service contract producer license application hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 23rd DAY OF October, 2015.




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 26th day of October 2015, a copy of the foregoing Order and Notice was served upon the Applicant by UPS, signature required, at the following address:

Brandon J. Carter
7050 Julian Ave
St. Louis, MO 63130

Tracking No. 1Z0R15W84298485852



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov



**FINAL ORDER
EFFECTIVE
07-14-16**

State of Missouri
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION



IN RE:)
)
BRANDON J. CARTER,) Case No. 151118512C
)
Applicant.)

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

On March 28, 2016, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse to issue a motor vehicle extended service contract producer license to Brandon J. Carter. 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. Brandon J. Carter ("Carter") is a Missouri resident with a residential and mailing address of record of 6530 Bardmer, St. Louis, Missouri 63130. However, the Department of Insurance, Financial Institutions and Professional Registration ("Department") has reason to believe that Carter's current address may be either 7050 Julian Avenue, St. Louis, Missouri 63130 or P.O. Box 300395, St. Louis, Missouri 63130.
2. On August 13, 2013, the Department received Carter's Application for Motor Vehicle Extended Service Contract Producer License ("2013 Application").
3. On March 3, 2014, the Director of the Department issued an Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License ("2014 Refusal Order") to Carter. The Director found that grounds existed to refuse Carter's 2013 Application pursuant to § 385.209.1(2), (3), (5), and (12) RSMo (Supp. 2013)¹ as follows:
 - a. Section 385.209.1(2) because Carter failed to adequately respond to three inquiries from the Consumer Affairs Division ("Division") on August 21, 2013, September 10, 2013, and September 24, 2013 without demonstrating reasonable justification for any of his failures to respond, each time thereby violating 20 CSR 100-4.100(2), which is a rule of the Director.

¹ All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise noted.

- b. Section 385.209.1(3) because Carter attempted to obtain a motor vehicle extended service contract ("MVESC") producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 1 and failed to disclose his conviction of the Class C Felony of Stealing (Over \$500) and his suspended imposition of sentence for the Class C Felony of Forgery.
- c. Section 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely indicated in his Application that he owed only four months' worth of child support arrearages and that he was in compliance with a child support payment agreement.
- d. Section 385.209.1(5) because Carter has been convicted of a felony: the Class C Felony of Stealing (over \$500).
- e. Section 385.209.1(12) because Carter has failed to comply with administrative and court orders imposing child support obligations, and as of the date of his 2013 Application, Carter owed a total of \$32,295.77 in arrearages on three separate child support obligations.

In re: Brandon J. Carter, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014).

- 4. The 2014 Refusal Order included a Notice that provided instructions regarding filing a complaint with the Administrative Hearing Commission of Missouri ("Commission") within 30 days. *Id.*
- 5. On March 4, 2014, the Department served Carter with the 2014 Refusal Order via United States Postal Service certified mail.
- 6. Carter did not file a complaint with the Commission.
- 7. On March 27, 2015, the Department received Carter's Application for Motor Vehicle Extended Service Contract Producer License ("March 2015 Application").
- 8. On October 23, 2015, the Director of the Department issued an Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License ("2015 Refusal Order") to Carter. The Director found that grounds existed to refuse Carter's March 2015 Application pursuant to § 385.209.1(2), (3), (5), (9), and (12) as follows:
 - a. Section 385.209.1(2) because, as found in the 2014 Refusal Order, Carter failed to adequately respond to three inquiries from the Division without demonstrating reasonable justification for any of his failures to respond, each time thereby violating 20 CSR 100-4.100(2), which is a rule of the Director.
 - b. Section 385.209.1(3) because, as found in the 2014 Refusal Order, Carter attempted to obtain a MVESC producer license through material

misrepresentation or fraud when he falsely answered "No" to Background Question No. 1 on his 2013 Application and failed to disclose his conviction of the Class C Felony of Stealing (Over \$500) and his suspended imposition of sentence for the Class C Felony of Forgery.

- c. Section 385.209.1(3) because, as found in the 2014 Refusal Order, Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely indicated in his 2013 Application that he owed only four months' worth of child support arrearages and that he was in compliance with a child support payment agreement.
- d. Section 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he provided an incorrect social security number and incorrect birthdate on his March 2015 Application.
- e. Section 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 1 on his March 2015 Application and failed to disclose the following criminal history: two Class C Felony convictions for Passing Bad Check - \$500 or More - No Account/Insufficient Funds, one Class A Misdemeanor suspended imposition of sentence for Criminal Non-Support, one Class C Felony conviction for Theft/Stealing (Value of Property or Services is \$500 or More but Less than \$25,000), and one Class C Felony suspended imposition of sentence for Forgery.
- f. Section 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 2 on his March 2015 Application and failed to disclose the 2014 Refusal Order.
- g. Section 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 7 on his March 2015 Application and failed to disclose his three separate child support obligations with arrearages totaling \$39,523.70 when the Department received Carter's March 2015 Application.
- h. Section 385.209.1(5) because, as found in the 2014 Refusal Order, Carter has been convicted of a felony: the Class C Felony of Stealing (over \$500).
- i. Section 385.209.1(5) because Carter has been convicted of three felonies: two Class C Felonies for Passing Bad Check - \$500 or More - No Account/Insufficient Funds and one Class C Felony for Theft/Stealing (Value of Property or Services is \$500 or More but Less than \$25,000).
- j. Section 385.209.1(9) because Carter has been refused a license by a state regulator (the Director) of service contracts.

- k. Section 385.209.1(12) because, as found in the 2014 Refusal Order, Carter has failed to comply with administrative and court orders imposing child support obligations, and as of the date of his 2013 Application, Carter owed a total of \$32,295.77 in arrearages on three separate child support obligations.
- l. Section 385.209.1(12) because Carter failed to comply with three administrative or court orders imposing child support obligations, and as of the date of his March 2015 Application, Carter owed a total of \$39,523.70 in arrears on three separate child support obligations.

In re: Brandon J. Carter, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 150706357C (October 23, 2015).

9. The 2015 Refusal Order included a Notice that provided instructions regarding filing a complaint with the Commission within 30 days. *Id.*
 10. On November 12, 2015, the Department served Carter with the 2015 Refusal Order via United States Postal Service certified mail.
 11. Carter did not file a complaint with the Commission.
 12. On May 11, 2015, the Department received Carter's Application for Motor Vehicle Extended Service Contract Producer License ("May 2015 Application").
 13. The "Applicant's Certification and Attestation" section of the May 2015 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 that 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 information and documentation requested in Background Information Question 36.7.
14. Carter signed the May 2015 Application in the "Applicant's Certification and Attestation" section under oath and before a notary public.

15. Background Question No. 1 of the May 2015 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?

"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. Carter marked "No" to Background Question No. 1 on his May 2015 Application.

17. Contrary to Carter's answer to Background Question No. 1 on his May 2015 Application, the Division's investigation confirmed the following criminal history that Carter failed to disclose:

- a. On January 16, 2015, Carter pled guilty to two counts of Passing Bad Check - \$500 or More - No Account/Insufficient Funds, a Class C Felony, in violation of § 570.120.² The court sentenced Carter to seven years' incarceration on both counts, but suspended execution of both sentences and ordered Carter to serve 30

² All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri under which the court rendered judgment.

days' shock incarceration and 60 days' house arrest, and placed Carter on five years' supervised probation. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12835-01.

- b. On September 12, 2014, Carter pled guilty to Criminal Non-Support, a Class A Misdemeanor, in violation of § 568.040. The court suspended imposition of sentence, placed Carter on two years' supervised probation, and ordered Carter to pay \$50.00 a month for the support of his child. A probation violation hearing is scheduled for April 8, 2016 in this matter. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12679-01.
- c. On January 24, 2013, Carter pled guilty to Theft/Stealing (Value of Property or Services is \$500 or More but Less than \$25,000), a Class C Felony, in violation of § 570.030. The court sentenced Carter to five years' incarceration, but suspended execution of the sentence and ordered Carter to serve 120 days' home detention and five years' supervised probation. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 12SL-CR00550-01.
- d. On June 24, 2011, Carter pled guilty to Forgery, a Class C Felony, in violation of § 570.090. The court suspended imposition of sentence, placed Carter on five years' supervised probation, and ordered Carter to pay \$4,379.19 in restitution. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-CR00809-01.

18. Background Question No. 2 of the May 2015 Application asks:

Have you ever been named or involved as a party in an administrative proceeding or action regarding any professional or occupational license or registration, or regarding the lack of such license or registration?

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, a voluntary forfeiture, a cease and desist order, a prohibition order, a consent order, or being placed on probation. "Involved" also includes the act of surrendering a license to resolve an administrative proceeding or action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license or is related to the lack of such license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You must **INCLUDE** any business so named because of your actions or because of your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may **EXCLUDE** terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the

- circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

19. Carter answered "No" to Background Question No. 2 on his May 2015 Application.

20. Contrary to Carter's answer to Background Question No. 2 on his May 2015 Application, the Division's investigation confirmed two administrative actions that Carter was involved in regarding a professional or occupational license that Carter failed to disclose:

- a. *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014) ("2014 Refusal Order").
- b. *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 150706357C (October 23, 2015) ("2015 Refusal Order").

21. Background Question No. 7 of the May 2015 Application asks:

Do you have a child support obligation in arrearage?

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 subject to 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?

22. Carter answered "No" to Background Question No. 7 on his May 2015 Application.

23. Contrary to Carter's answer to Background Question No. 7 on his May 2015 Application, the Division confirmed three child support obligations in arrearage that Carter failed to

disclose.

24. As of the date of his May 2015 Application, Carter owed a total of \$40,311.46 in arrears on his three separate child support obligations:
 - a. Carter owed \$149.65 in child support arrears to T.H. as of May 2015 when the Department received Carter's May 2015 Application. Carter is obligated to pay \$50.00 per month in child support. As of March 2016, Carter owed \$647.21 in arrears. *State of Missouri, Div. of Child Support Enforcement v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 2105FC-01395.
 - b. Carter owed \$21,346.87 in child support arrears to L.T. as of May 2015 when the Department received Carter's May 2015 Application. Carter is obligated to pay \$228.00 per month in child support. As of March 2016, Carter owed \$22,633.10 in arrears. *State of Missouri, Family Support Div. v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 0722-FC00696.
 - c. Carter owed \$18,814.94 in child support arrears to L.R. as of May 2015 when the Department received Carter's May 2015 Application. Carter is obligated to pay \$269.00 per month in child support. As of March 2016, Carter owed \$21,217.33 in arrears. *State of Missouri, Div. of Family Services v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-DR04925.
25. During its investigation, the Division discovered that the social security number Carter provided on his May 2015 Application, [REDACTED]-XXXX, does not match the social security number he provided on his March 2015 Application, [REDACTED]-XXXX, or the social security number he provided on his 2013 Application, [REDACTED]-XXXX.
26. During its investigation, the Division further discovered that while the birthdates Carter provided on his May 2015 Application and March 2015 Application match, they differ from the birthdate Carter provided on his 2013 Application.
27. It is inferable, and hereby found as fact, that Carter failed to disclose his criminal history in response to Background Question No. 1 on his May 2015 Application to misrepresent to the Director that he had no criminal history and to improve the likelihood that the Director would issue him a MVESC producer license.
28. It is inferable, and hereby found as fact, that Carter failed to disclose his three child support obligations and their arrearages in response to Background Question No. 7 on his May 2015 Application to misrepresent to the Director that he had no child support obligations and to improve the likelihood that the Director would issue him a MVESC producer license.
29. Each of these inferences are further supported by the fact that Carter previously attempted to obtain a MVESC producer license through material misrepresentation or fraud by failing to fully and truthfully disclose his criminal background and his history of

failure to pay child support. *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014) ("2014 Refusal Order"); *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 150706357C (October 23, 2015) ("2015 Refusal Order")

30. It is also inferable, and hereby found as fact, that Carter failed to disclose his 2014 Refusal Order and 2015 Refusal Order in response to Background Question No. 2 on his May 2015 Application in an attempt to convince the Director that he was a new applicant without the history of previous refusals by the Director.
31. It is further inferable, and hereby found as fact, that Carter listed differing social security numbers and birthdates on his 2013 Application, March 2015 Application, and May 2015 Application to misrepresent his identity to the Director in an attempt to conceal his criminal history, child support arrearages, and prior refusals, and therefore increase the likelihood that the Director would issue him a MVESC producer license.

CONCLUSIONS OF LAW

32. Section 385.209 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:
 - * * *
 - (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;
 - * * *
 - (5) Been convicted of any felony;
 - * * *
 - (9) Been refused a license or had a license revoked or suspended by a state regulator of service contracts, financial services, investments, credit, insurance, banking, or finance;[or]
 - * * *
 - (12) Failed to comply with an administrative or court order imposing a

child support obligation[.]

33. Title 20 CSR 100-4.100(2)(A) states, in relevant part:

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.

34. Title 20 CSR 100-4.100(2)(A) is a rule of the Director.

35. Collateral estoppel "is used to preclude the relitigation of an issue that already has been decided in a different cause of action." *Brown v. Carnahan*, 370 S.W.3d 637, 658 (Mo. banc 2012) (citation omitted).

36. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(2) because, as found in the 2014 Refusal Order and 2015 Refusal Order, Carter failed to respond to three inquiry letters from the Division without demonstrating reasonable justification for any of his failures to respond, each time thereby violating 20 CSR 100-4.100(2)(A), which is a rule of the Director. *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014); *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 150706357C (October 23, 2015).

37. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because, as found in the 2014 Refusal Order and 2015 Refusal Order, Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 1 on his 2013 Application and his March 2015 Application and failed to disclose his conviction of the Class C Felony of Stealing (Over \$500) and his suspended imposition of sentence for the Class C Felony of Forgery. *Id.*

38. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because, as found in the 2014 Refusal Order and 2015 Refusal Order, Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely indicated in his 2013 Application that he owed only four months' worth of child support arrearages and that he was in compliance with a child support payment agreement. *Id.*

39. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(5) because, as found in the 2014 Refusal Order and 2015 Refusal Order, Carter has been convicted of a felony: the Class C Felony of Stealing (over \$500). *Id.*

40. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(12) because, as found in the 2014 Refusal Order and 2015 Refusal Order, Carter failed to comply with three administrative or court orders imposing child support obligations. *Id.*
41. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because, as found in the 2015 Refusal Order, Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he provided differing social security numbers and birthdates on his 2013 Application and March 2015 Application. *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 150706357C (October 23, 2015).
42. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because, as found in the 2015 Refusal Order, Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 1 on his March 2015 Application and failed to disclose the following criminal history: two Class C Felony convictions for Passing Bad Check - \$500 or More - No Account/Insufficient Funds, one Class A Misdemeanor Suspended Imposition of Sentence for Criminal Non-Support, one Class C Felony conviction for Theft/Stealing (Value of Property or Services is \$500 or More but Less than \$25,000), and one Class C Felony Suspended Imposition of Sentence for Forgery. *Id.*
43. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because, as found in the 2015 Refusal Order, Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 2 on his March 2015 Application and failed to disclose the 2014 Refusal Order. *Id.*
44. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because, as found in the 2015 Refusal Order, Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 7 on his March 2015 Application and failed to disclose his three separate child support obligations. *Id.*
45. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(5) because, as found in the 2015 Refusal Order, Carter has been convicted of three felonies: two Class C Felonies for Passing Bad Check - \$500 or More - No Account/Insufficient Funds and one Class C Felony for Theft/Stealing (Value of Property or Services is \$500 or More but Less than \$25,000). *Id.*
46. The Director may refuse to issue a MVESC producer license to Carter under § 385.209.1(9) because, as found in the 2015 Refusal Order, Carter has been refused a license by a state regulator (the Director) of service contracts. *Id.*
47. The Director may refuse to issue a MVESC producer license to Carter pursuant to

§ 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he listed differing social security numbers and birthdates on his 2014 Application, March 2015 Application, and/or May 2015 Application.

48. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 1 on his May 2015 Application and failed to disclose the following criminal history:
- a. Passing Bad Check - \$500 or More - No Account/Insufficient Funds, a Class C Felony. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12835.
 - b. Passing Bad Check - \$500 or More - No Account/Insufficient Funds, a Class C Felony. *Id.*
 - c. Criminal Non-Support, a Class A Misdemeanor (Suspended Imposition of Sentence). *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12679-01.
 - d. Theft/Stealing (Value of Property or Services is \$500 or More but Less than \$25,000), a Class C Felony. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 12SL-CR00550-01.
 - e. Forgery, a Class C Felony (Suspended Imposition of Sentence). *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-CR00809-01.
49. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 2 on his May 2015 Application and failed to disclose the 2014 Refusal Order and 2015 Refusal Order. *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 203322 (March 3, 2014); *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 150706357C (October 23, 2015).
50. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(3) because Carter attempted to obtain a MVESC producer license through material misrepresentation or fraud when he falsely answered "No" to Background Question No. 7 on his May 2015 Application and failed to disclose his child support arrearages:
- a. *State of Missouri, Div. of Child Support Enforcement v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 2105FC-01395 (Arrearage of \$149.65 when the

Department received Carter's May 2015 Application; Arrearage of \$647.21 as of March 2016).

- b. *State of Missouri, Family Support Div. v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 0722-FC00696 (Arrearage of \$21,346.87 when the Department received Carter's May 2015 Application; Arrearage of \$22,633.10 as of March 2016).
 - c. *State of Missouri, Div. of Family Services v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-DR04925 (Arrearage of \$18,814.94 when the Department received Carter's May 2015 Application; Arrearage of \$21,217.33 as of March 2016).
51. Each attempt to obtain a MVESC producer license through material misrepresentation or fraud is a separate and sufficient ground for refusal pursuant to § 385.209.1(3).
 52. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(5) because Carter has been convicted of three felonies:
 - a. Passing Bad Check - \$500 or More - No Account/Insufficient Funds, a Class C Felony. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 13SL-CR12835.
 - b. Passing Bad Check - \$500 or More - No Account/Insufficient Funds, a Class C Felony. *Id.*
 - c. Theft/Stealing (Value of Property or Services is \$500 or More but Less than \$25,000), a Class C Felony. *State v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 12SL-CR00550-01.
 53. Each felony conviction is a separate and sufficient ground for refusal pursuant to § 385.209.1(5).
 54. The Director may refuse to issue a MVESC producer license to Carter under § 385.209.1(9) because Carter has twice been refused a license by a state regulator (the Director) of service contracts. *In re: Brandon J. Carter*, Order Refusing to Issue a Motor Vehicle Extended Service Contract Producer License, DIFP Case No. 203322 (March 3, 2014); *In re: Brandon J. Carter*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 150706357C (October 23, 2015).
 55. Each instance in which Carter has been refused a license by a state regulator of service contracts is a separate and sufficient ground for refusal pursuant to § 385.209.1(9).
 56. The Director may refuse to issue a MVESC producer license to Carter pursuant to § 385.209.1(12) because Carter failed to comply with three administrative or court orders imposing child support obligations:

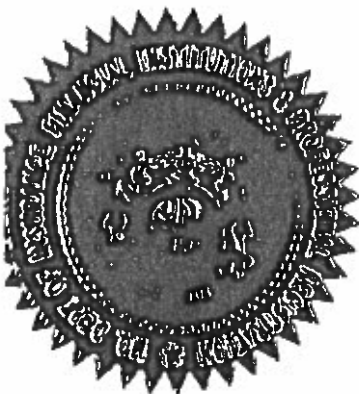
- a. *State of Missouri, Div. of Child Support Enforcement v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 2105FC-01395 (Arrearage of \$149.65 when the Department received Carter's May 2015 Application; Arrearage of \$647.21 as of March 2016).
 - b. *State of Missouri, Family Support Div. v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 0722-FC00696 (Arrearage of \$21,346.87 when the Department received Carter's May 2015 Application; Arrearage of \$22,633.10 as of March 2016).
 - c. *State of Missouri, Div. of Family Services v. Brandon J. Carter*, St. Louis Co. Cir. Ct., Case No. 08SL-DR04925 (Arrearage of \$18,814.94 when the Department received Carter's May 2015 Application; Arrearage of \$21,217.33 as of March 2016).
57. Each failure 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).
58. Since Carter did not appeal the 2014 Refusal Order or the 2015 Refusal Order, he is precluded from relitigating the findings of fact and conclusions of law contained in the 2014 Refusal Order and 2015 Refusal Order.
59. The Director has considered Carter's history and all of the circumstances surrounding Carter's May 2015 Application. Granting Carter 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 Carter.
60. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that Brandon J. Carter's motor vehicle extended service contract producer license application hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 30TH DAY OF MARCH, 2016.




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 30th day of March 2016, a copy of the foregoing Order and Notice was served upon the Applicant by United Parcel Service, signature required, at the following addresses:

Brandon J. Carter
6530 Bardmer
St. Louis, MO 63130

Tracking No. 1Z0R15W84297442248


Brandon J. Carter
7050 Julian Ave
St. Louis, MO 63130

Tracking No. 1Z0R15W84296191459

I hereby further certify that on this 30th day of March 2016, a copy of the foregoing Order and Notice was served upon the Applicant by USPS Certified Mail at the following address:

Brandon J. Carter
P.O. Box 300395
St. Louis, MO 63130

Certified No. 7012 3460 0002 8615 0546


Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE


I hereby certify that on this 11th day of April 2016, a copy of the foregoing Order and Notice was served upon the Applicant by USPS, Certified Mail, at the following addresses:

Brandon J. Carter Certified No. 7012 3460 8615 0577
6530 Bardmer
St. Louis, MO 63130

Brandon J. Carter Certified No. 7012 3460 0002 0584
7050 Julian Ave
St. Louis, MO 63130

I hereby further certify that on this 11th day of April 2016, a copy of the foregoing Order and Notice was served upon the Applicant by USPS, First Class Mail, at the following address:

Brandon J. Carter
P.O. Box 300395
St. Louis, MO 63130


Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2016, a copy of the foregoing Order and Notice was served upon the Applicant by UPS, signature required, at the following addresses:

Brandon J. Carter
6530 Bartmer Ave.
St. Louis, MO 63130

Tracking No. 1Z0R15W84295383931



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June 2016, a copy of the foregoing Order and Notice was served upon the Applicant by USPS, first class mail, at the following addresses:

Brandon J. Carter
7050 Julian Ave
St. Louis, MO 63130



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

v

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 2016, a copy of the foregoing Order and Notice was served upon the Applicant by USPS, first class mail, at the following addresses:

Brandon J. Carter
6530 Bartmer Ave.
St. Louis, MO 63130



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov