



FINAL ORDER
EFFECTIVE
02-05-2019

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
ALEXANDRA N. CARTER,) Case No. 1812191052C
)
Applicant.)

ORDER REFUSING TO ISSUE
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On December 31, 2018, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the motor vehicle extended service contract producer license application of Alexandra N. Carter. After reviewing the Petition, 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. Alexandra N. Carter (“Carter”) is an Illinois resident with an address of 800 Illinois Avenue, Dupu, Illinois 62239-1441.
2. On or about July 26, 2010, Carter pled guilty to, and was convicted of, Theft Under \$300, a class A misdemeanor in violation of 720 ILL. COMP. STAT. 5/16-1(a)(1).¹ The court sentenced her to a fine, community service, and delayed court supervision. *Illinois v. Alexandra N. Carter*, St. Clair Co. Cir. Ct., Case No. 10CM0000737 (“*Carter I*”).
3. On September 5, 2018 the Department of Insurance, Financial Institutions and Professional Registration received Carter’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
4. The “Applicant’s Certification and Attestation” section of the Application states in pertinent part:

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.

¹ All criminal statutory citations are to the version of the Illinois Compiled Statutes in effect at the time of the offense.

5. Carter accepted the "Applicant's Certification and Attestation" section of the Application by her notarized signature dated August 28, 2018.
6. Carter responded "Yes" to Background Information Question 1 of the Application, which asked in relevant part:

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?

* * *

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.

7. With the Application, Carter provided documents and information about two prosecutions:
 - a. On or about July 2, 2012, Carter pled guilty to, and was convicted for, each of two counts of Aggravated Fleeing or Attempting to Elude a Police Officer, a class 4 felony in violation of 625 ILL. COMP. STAT. 5/11-204(a)(4). The court sentenced her to eighteen months of conditional discharge. *Illinois v. Alexandra N. Carter*, St. Clair Co. Cir. Ct., Case No. 12CR00717 ("*Carter II*").
 - b. On or about October 24, 2012, Carter pled guilty to, and was convicted for, each of three counts of Forgery, a class 3 felony in violation of 720 ILL. COMP. STAT. 5/17-3(a)(1). The court sentenced her to two years of probation. *Illinois v. Alexandra N. Carter*, St. Clair Co. Cir. Ct., Case No. 12CR01375 ("*Carter III*").
8. Carter did not provide any documents or information about *Carter I*.
9. The Assistant State's Attorney who instituted and prosecuted *Carter III* was an officer of the State of Illinois.
10. The charging instrument in *Carter III* alleged that Carter had "with the intent to defraud, knowingly delivered to Citizen's [sic] Community Bank, a banking corporation, ... check[s] ... signed as drawer Bruce Anderson[.]"
11. As further detailed in Carter's letter with her Application, the events leading to *Carter III* occurred when she was doing "secretarial work ... [and] made the wrong decision of cashing 3 checks" belonging to her employer.

12. On October 25, 2018, Special Investigator Andrew Engler of the Department's Consumer Affairs Division ("Division") mailed an inquiry letter to Carter requesting information and documentation about *Carter I*, why she didn't disclose it on her Application, and advising that, "Pursuant to 20 CSR 100-4.100, your response [is] due within twenty days. ... Failure to respond could result in a refusal to issue your MVESC license."
13. The October 25, 2018 inquiry letter was not returned to the Division as undeliverable, or for any other reason; therefore, Carter is presumed to have received it.
14. Carter neither responded to the October 25, 2018 inquiry letter nor demonstrated reasonable justification for her nonresponse.
15. It is inferable, and hereby found as fact, that Carter failed to disclose the prosecution of *Carter I* as required by her Application in order to materially misrepresent to the Director the extent of her criminal record and thereby improve the chance that her Application would be approved and she would be granted a motor vehicle extended service contract ("MVESC") producer license.

CONCLUSIONS OF LAW

16. Section 385.209.1² 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;
- (6) Used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere; [or]

² All civil statutory references are to the 2016 Missouri Revised Statutes.

- (7) Been found in violation of law by a court of competent jurisdiction in an action instituted by any officer of any state or the United States in any matter involving motor vehicle extended service contracts, financial services, investments, credit, insurance, banking, or finance[.]

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

18. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. E.D. 2000) (internal citation omitted).
19. The Director may refuse to issue Carter a MVESC producer license pursuant to § 385.209.1(2) because she violated a rule of the Director, specifically 20 CSR 100-4.100, when she failed to respond to a Division inquiry letter and demonstrated no reasonable justification for her nonresponsiveness.
20. The Director may refuse to issue Carter a MVESC producer license pursuant to § 385.209.1(3) because she attempted to obtain a license through material misrepresentation or fraud by failing to disclose fully her criminal history, including *Carter I*, as required by the Application.
21. The Director may refuse to issue Carter a MVESC producer license pursuant to § 385.209.1(5) because she has been convicted of five felonies, specifically two counts of Aggravated Fleeing or Attempting to Elude a Police Officer, in *Carter II*, and three counts of Forgery, in *Carter III*.
22. Each of Carter's felony convictions is a separate and sufficient ground for refusal pursuant to § 385.209.1(5).
23. The Director may refuse to issue Carter a MVESC producer license pursuant to § 385.209.1(6) because she demonstrated untrustworthiness or financial irresponsibility in the conduct of business when she wrongly negotiated checks belonging to her employer. *See Carter III*.
24. The Director may refuse to issue Carter a MVESC producer license pursuant to § 385.209.1(7) because Carter was found in violation of 720 ILL. COMP. STAT. 5/17-3(a)(1) in a matter involving credit, banking, or finance, specifically *Carter III*.

25. The Director has considered Carter's history and all of the circumstances surrounding Carter's Application. Issuing Cacciatore a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Carter a MVESC producer license.
26. This Order is in the public interest.

ORDER

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

SO ORDERED.

WITNESS MY HAND THIS 3rd DAY OF JANUARY, 2019.



Chlora Lindley Myers

CHLORA LINDLEY-MYERS
DIRECTOR, Missouri Department of Insurance,
Financial Institutions and Professional Registration

NOTICE

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

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

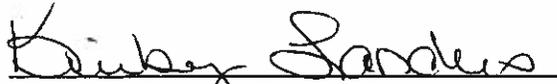
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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of January, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Alexandra N. Carter
800 Illinois Avenue
Dupo, Illinois 62239-1441

No. 1Z0R15W84297093278



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