



State of Missouri

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

IN RE:)
)
REBECCA ANNE CLAUDE) **Case No. 1903010405C**
)
Applicant.)

ORDER REFUSING TO ISSUE
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On July 22, 2019, the Consumer Affairs Division (“Division) submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Rebecca Anne Claude. 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. Rebecca Anne Claude (“Claude”) is a Missouri resident with a residential address of record of 10460 Gardo Ct., St. Louis, MO 63137.
2. On October 9, 2018, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Claude’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
3. The “Applicant’s Certification and Attestation” section of the Application states, in relevant part:

1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

* * *

5. I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have a child support obligation that is in arrears, I am in compliance with a repayment plan to cure the arrears, and I have provided all information and documentation requested in Background Information Question 36.7.

2. On August 30, 2018, Claude signed the “Applicant’s Certification and Attestation” section of the Application under oath before a notary public.

3. Background Information Question No. 36.7 of the Application asked:

Do you currently have or have you had a child support obligation?

If you answer yes:

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

4. Claude answered “yes” in response to Background Information Question No. 36.7. Claude stated that she was four and a half months in arrearage and owed \$4,000.00, and was on a repayment plan.

5. Contrary to Claude’s responses, the Division discovered that Claude is subject to two child support orders.

a. Claude was ordered to pay \$295.00 per month for the support of her minor child. *Sean D. Honse et al. v. Rebecca A. Claude*, St. Charles Co. Cir. Ct., Missouri, Case No. 04MC-124040. Claude does not currently owe an arrearage on her child support obligation in this matter.

b. Claude was ordered to pay \$295.00 per month for the support of her minor child. *Sean D. Honse et al. v. Rebecca A. Claude*, St. Charles Co. Cir. Ct., Missouri, Case No. 0511-FC03922. On or about August 30, 2018, the date Claude signed her application, Claude had an arrearage owed on her child support obligation of \$11,735.94. As of July 8, 2019, Claude had a support arrearage of \$14,685.94. Claude has not made any payments on this case since July 16, 2018.

6. Claude did not submit any statement explaining her arrearage or why she failed to disclose the extent of her arrearage in response to Background Information Question No 36.7. Nor did Claude provide any documentation indicating that she is in compliance with the administrative or court orders imposing child support obligations or that she has entered into a payment plan to cure her arrears.

7. It is inferable, and hereby found as fact, that Claude failed to disclose the extent of her arrearage by over \$6,000.00, and failed to disclose that she was not making child support payments, in her response to Background Question No. 36.7 of the Application in order to misrepresent to the Director that she did not owe an extensive arrearage on her child support obligation, and consequently improve the chances that the Director would approve her Application and issue her an MVESC producer license.
8. Special Investigator Andrew Engler (“Engler”), sent an inquiry letter dated October 17, 2018 to Claude’s address of record on her application. This inquiry letter requested Claude provide documents explaining Claude’s child support arrearage and any payment agreement she had entered into. This inquiry letter cited 20 CSR 100-4.100 and informed Claude “[f]ailure to respond could result in an administrative action against your MVESC license.”
9. The United States Postal Service did not return the October 17, 2018 inquiry letter to the Division as undeliverable.
10. Claude failed to provide a written response to the Division’s October 17, 2018 inquiry letter and failed to demonstrate a reasonable justification for the delay.
11. Engler sent another inquiry letter to Claude, dated November 13, 2018. This inquiry letter requested Claude provide documents explaining Claude’s child support arrearage and any payment agreement she had entered into. This inquiry letter cited 20 CSR 100-4.100 and informed Claude “[f]ailure to respond could result in a refusal to issue your MVESC license.”
12. The United States Postal Service did not return the November 13, 2018 inquiry letter to the Division as undeliverable.
13. Claude failed to provide a written response to the Division’s November 13, 2018 inquiry letter and failed to demonstrate a reasonable justification for the delay.

CONCLUSIONS OF LAW

14. Section 385.209 RSMo. 2016 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; [or]
 - (3) Obtained or attempted to obtain a license through material misrepresentation or fraud[.]
15. Title 20 CSR 100-4.100(2)(A) Required Response to Inquiries by the Consumer Affairs Division, is a regulation 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.

16. "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. 2000) (internal citations omitted).
17. The Director may refuse to issue an MVESC producer license to Claude pursuant to § 385.209.1(2) because Claude failed to respond to two inquiries from the Division without demonstrating reasonable justification for her failure to respond, thereby violating 20 CSR 100-4.100(2), a rule of the Director.
18. Each instance in which Claude violated a rule or subpoena of the Director is a separate and sufficient cause for refusal pursuant to § 385.209.1(2).
19. The Director may refuse to issue an MVESC producer license to Claude pursuant to § 385.209.1(3) because Claude attempted to obtain an MVESC producer license through material misrepresentation or fraud when she failed to disclose the extent of her arrearage and her failure to comply with an order imposing child support.
20. The Director may refuse to issue an MVESC producer license to Claude pursuant to § 385.209.1(12) because Claude failed to comply with one or more administrative or court orders imposing child support obligations as evidenced by her substantial arrearages which had accrued by the date of her application and have continued to accrue since the Division received her application. *Sean D. Honse et al. v. Rebecca A. Claude*, St. Charles Co. Cir. Ct., Missouri, Case No. 0511-FC03922.
21. The Director has considered Claude's history and all of the circumstances surrounding Claude's Application, and exercises her discretion to refuse to issue Claude an MVESC producer license.
22. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **REBECCA ANNE CLAUDE** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 15th DAY OF August, 2019.



Chlora Lindley Myers
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.

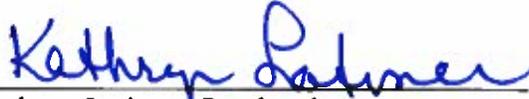
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CERTIFICATE OF SERVICE

I hereby certify that on this 16th of August, 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:

Rebecca Anne Claude
10460 Gardo Ct.
St. Louis, MO 63137

No. 1ZE63A294297115015



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