



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

IN RE:)
)
DERON DEONDRAY KOLLORE, Sr.,) Case No. 150303171C
)
Applicant.)

ORDER REFUSING TO RENEW
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On March 19, 2015, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to renew the motor vehicle extended service contract producer license of Deron Deondray Kollore, Sr. 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. Deron Deondray Kollore, Sr. ("Kollore") is a Missouri resident with a residential address of 10155 Jepson Drive, St. Louis, Missouri 63137-2011.
2. On June 30, 2009, the St. Charles County Circuit Court entered a judgment against Kollore for \$498.00 per month for the support of minor child D.K. *State ex rel. Hughes v. Deron Deondray Kollore, Sr.*, St. Charles Co. Cir. Ct., Case No. 0911-MC00791.
3. On December 16, 2010, in St. Charles County Associate Circuit Court, Kollore pled guilty to Violation of Order of Protection, a Class A Misdemeanor, in violation of §§ 455.010, 455.045, 455.050, and 455.085.¹ *State v. Deron Deondray Kollore*, St. Charles Co. Cir. Ct., Case No. 1011-CR03649. The court ordered Kollore to pay a fine of \$50.00. *Id.*
4. On December 28, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Kollore's Application for Motor Vehicle Extended Service Contract Producer License ("2011 Application").

¹ All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri pursuant to which each judgment was rendered.

5. Kollore answered "No" to Background Information Question 33.1 of the 2011 Application, which asked:

Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

"Had a judgement withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt 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").

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

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgement

6. Kollore did not provide to the Department with his 2011 Application any written statement or copies of court records regarding *State v. Deron Deondray Kollore*, St. Charles Co. Cir. Ct., Case No. 1011-CR03649.

7. The Applicant's Certification and Attestation section of the 2011 Application, which Kollore accepted by his signature notarized December 1, 2011, provided, in relevant 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.

8. On January 1, 2012, relying on Kollore's sworn representations in his 2011 Application, the Department issued to Kollore a motor vehicle extended service contract ("MVESC") producer license, license number 8088455.

9. On November 13, 2012, the St. Louis County Circuit Court entered a judgment against Kollore for \$2,114.11 of unpaid Missouri income tax for the tax year 2009. The judgment remains unsatisfied. *Dep't of Revenue v. Deron D. Kollore*, St. Louis Co. Cir. Ct., Case No. 12SL-MC14863.
10. On February 14, 2014, in St. Charles County Circuit Court, Kollore pled guilty to Possession of a Controlled Substance, a Class C Felony, in violation of § 195.202. *State v. Deron Deondray Kollore*, St. Charles Co. Cir. Ct., Case No. 1211-CR00074-01. On February 24, 2014, the court suspended imposition of sentence and ordered Kollore to serve five years' supervised probation. *Id.*
11. On December 5, 2014, the Department received Kollore's Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2014 Application").
12. Kollore twice answered "No"² to Background Information Question 36.1 of the 2014 Application, which asked:

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, which has not been previously reported to this insurance department?

"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

² In addition to checking the box denoted "NO" immediately following Background Information Question 36.1 on the first page of the 2014 Application, Kollore hand-wrote "NO" on the second page of the 2014 Application adjacent to the remaining text of the question.

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. Kollore did not provide to the Department with his 2014 Application any written statements or copies of court records regarding either *State v. Deron Deondray Kollore*, St. Charles Co. Cir. Ct., Case No. 1011-CR03649, or *State v. Deron Deondray Kollore*, St. Charles Co. Cir. Ct., Case No. 1211-CR00074-01.

14. Kollore answered "No" to Background Information Question 36.4 of the 2014 Application, which asked:

Have you failed to pay state or federal income tax, which has not been previously reported to this insurance department?

Have you failed to comply with an administrative or court order directing payment of state or federal income tax, which has not been previously reported to this insurance department?

Answer "Yes" if the answer to either question (or both) is "Yes."

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

- a) a written statement explaining the circumstances of each administrative or court order
- b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.),
- c) a certified copy of each administrative or court order, judgment, and/or lien, and
- d) a certified copy of the official document which demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).

15. Kollore did not provide to the Department with his 2014 Application any written statements or other documents regarding his 2009 Missouri income tax delinquency.

16. Kollore answered "No" to Background Information Question 36.7 of the 2014 Application, which asked:

Do you currently have or have you had a child support obligation, which has not been previously reported to this insurance department?

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 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?

17. Kollore did not provide to the Department with his 2014 Application any documents regarding the June 30, 2009 order imposing a child support obligation entered in *State ex rel. Hughes v. Deron Deondray Kollore, Sr.*, St. Charles Co. Cir. Ct., Case No. 0911-MC00791.

18. The Applicant's Certification and Attestation section of the 2014 Application, which Kollore accepted by his signature notarized December 1, 2014, provided, in relevant part:

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

* * *

- 4. I further certify, under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 36.4.
- 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.

19. The Consumer Affairs Division ("Division") of the Department conducted an investigation and discovered, contrary to Kollore's sworn representations on his 2014 Application, that as of December 1, 2014, Kollore was in arrears totaling \$9,924.39 of child support ordered by the court in *State ex rel. Hughes v. Deron Deondray Kollore, Sr.*, St. Charles Co. Cir. Ct., Case No. 0911-MC00791. Missouri Department of Social Services, Family Support Division, Child Support Enforcement Case No. 11234418. Kollore has not made a payment since November 2013. *Id.*
20. On December 9, 2014, Division Special Investigator Andrew Engler ("Special Investigator Engler") mailed Kollore an inquiry letter by first-class mail, postage prepaid ("first inquiry letter"), asking him to provide information and documentation regarding Kollore's criminal cases and tax delinquency.
21. The first inquiry letter was mailed to the address Kollore provided on his 2014 Application, and advised Kollore that "[p]ursuant to 20 CSR 100-4.100, your response is due twenty days from the postmark of this letter, or on or before December 29, 2014. Failure to respond could result in a refusal to [renew] your MVESC license."
22. The first inquiry letter was not returned to Special Investigator Engler or the Division as undeliverable; therefore, Kollore is presumed to have received it.
23. The Division received no correspondence or communication from Kollore regarding the first inquiry letter, nor has Kollore demonstrated reasonable justification for the failure to respond.
24. On December 31, 2014, Special Investigator Engler mailed Kollore another inquiry letter by first-class mail, postage prepaid ("second inquiry letter"), requesting the same information as the first inquiry letter.
25. The second inquiry letter was mailed to the address Kollore provided on his 2014 Application, and advised Kollore that "[p]ursuant to 20 CSR 100-4.100(2)(A), your response [is] due ... by January 20, 2015. Failure to respond could result in a refusal to [renew] your MVESC license."
26. The second inquiry letter was not returned to Special Investigator Engler or the Division as undeliverable; therefore, Kollore is presumed to have received it.
27. The Division received no correspondence or communication from Kollore regarding the second inquiry letter, nor has Kollore demonstrated reasonable justification for the failure to respond.

28. It is inferable, and hereby found as fact, that Kollore answered "No" to Background Information Question 33.1 of his 2011 Application in order to misrepresent to the Director the extent of his criminal record and, accordingly, to increase the likelihood that the Director would approve Kollore's 2011 Application and issue to him a MVESC producer license, which the Director did.
29. It is inferable, and hereby found as fact, that Kollore answered "No" to Background Information Questions 36.1, 36.4, and 36.7 of his 2014 Application and completed the Applicant's Certification and Attestation section in order to misrepresent to the Director the extent of his criminal record, child support obligation, and state income tax delinquency and, accordingly, to increase the likelihood that the Director would approve Kollore's 2014 Application and renew his MVESC producer license.

CONCLUSIONS OF LAW

30. Section 385.209.1, RSMo (Supp. 2013),³ 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:

(1) Filed an application for license in this state within the previous ten years, which, as of the effective date of the license, was incomplete in any material respect or contained incorrect, misleading, or untrue information;

(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;

* * *

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

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

³ All civil statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 RSMo Supplement, unless otherwise noted.

31. Title 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 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.

32. "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).
33. Just as "[t]he principal purpose of § 375.141[.]" the insurance producer disciplinary statute, "is not to punish applicants, but to protect the public," *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984), the principal purpose of § 385.209 is not to punish applicants, but to protect the public.
34. The Director may refuse to renew Kollore's MVESC producer license pursuant to § 385.209.1(1) because Kollore's 2011 Application was incomplete in material respects and contained incorrect, misleading, and untrue information. The 2011 Application failed to include documentation required by Background Information Question 33.1 of applicants with criminal histories, and Kollore's negative answer thereto was false, since Kollore had previously pled guilty to Violation of Order of Protection, a Class A Misdemeanor.
35. The Director may refuse to renew Kollore's MVESC producer license pursuant to § 385.209.1(2) because Kollore has twice violated a rule of the Director, specifically 20 CSR 100-4.100(2)(A), by not mailing timely and adequate responses to two Division inquiry letters, and not demonstrating reasonable justification for the failures to respond.
36. Each violation of a rule of the Director constitutes a separate and sufficient cause for refusal pursuant to § 385.209.1(2).
37. The Director may refuse to renew Kollore's MVESC producer license pursuant to § 385.209.1(3) because Kollore obtained a MVESC producer license, license number 8088455, through material misrepresentation or fraud when he failed to disclose his criminal history, or provide required documentation thereof, by his 2011 Application.
38. The Director may refuse to renew Kollore's MVESC producer license pursuant to § 385.209.1(3) because Kollore attempted to obtain a MVESC producer license through material misrepresentation or fraud when on his 2014 Application he:
- answered "No" to Background Information Question 36.1 and failed to provide any required documentation;

- b. answered "No" to Background Information Question 36.4 and failed to provide any required documentation;
 - c. answered "No" to Background Information Question 36.7 and failed to provide any required documentation; and
 - d. certified, under penalty of perjury, that his application was true and complete and that he had no child support arrearage or income tax delinquencies.
39. The Director may refuse to renew Kollore's MVESC producer license pursuant to § 385.209.1(12) because Kollore has failed to comply with a court order imposing a child support obligation, specifically the June 30, 2009 judgment against Kollore for \$498.00 per month for the support of minor child D.K. *State ex rel. Hughes v. Deron Deondray Kollore, Sr.*, St. Charles Co. Cir. Ct., Case No. 0911-MC00791.
40. The Director may refuse to renew Kollore's MVESC producer license pursuant to § 385.209.1(13) because Kollore has failed to comply with an administrative or court order directing payment of Missouri income tax, as evinced by the unsatisfied judgment against him in *Dep't of Revenue v. Deron D. Kollore*, St. Louis Co. Cir. Ct., Case No. 12SL-MC14863.
41. The Director has considered Kollore's history and all of the circumstances surrounding Kollore's 2014 Application, including the infirmities of his 2011 Application. Renewing Kollore's motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to renew Kollore's motor vehicle extended service contract producer license.
42. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license renewal application of **Deron Deondray Kollore, Sr.** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 25TH DAY OF MARCH, 2015.




JOHN M. HUFF
DIRECTOR

NOTICE

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

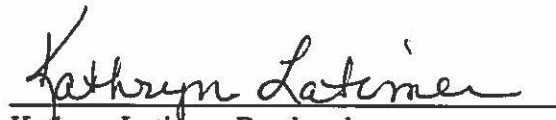
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 March, 2015, 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:

Deron Deondray Kollore, Sr.
10155 Jepson Drive
St. Louis, Missouri 63137-2011

No. 1Z0R15W84291679450



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