



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

DALLAS M. STANDEFER,

Applicant.

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Case No. 188491

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On June 27, 2013, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Dallas M. Standefer. 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. Dallas M. Standefer ("Standefer") is a Missouri resident with a residential address of record of 392 Horstmeier Road, St. Peters, Missouri 63376.
2. On February 13, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Standefer's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Standefer signed the Application under oath before a notary, thereby attesting that all of the information submitted in the Application and its attachments was "true and complete" and acknowledging that omitting pertinent or material information in connection with the Application was grounds for refusal of the Application and could subject Standefer to civil or criminal penalties.
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 judgment[.]

5. Standefer marked "Yes" to Question No. 1. With his Application, Standefer included uncertified copies of court documents disclosing that on or about May 21, 2007, he was convicted in the Circuit Court of St. Charles County of the Class C Felony of Assault in the Second Degree.¹
6. Standefer also included a brief written explanation for his conviction of Assault in the Second Degree.
7. Standefer did not disclose any further criminal history in his Application or in his written explanation.
8. The Department's investigation of Standefer's Application revealed that Standefer also has been convicted of two Class A Misdemeanors, which he failed to disclose in his Application or in his written explanation:
 - a. Also on or about April 10, 2007, Standefer was convicted of the Class A Misdemeanor of Possession of Drug Paraphernalia.²
 - b. Also on or about April 10, 2007, Standefer was convicted in the St. Charles County Circuit Court of the Class A Misdemeanor of Possession of a Controlled Substance.³

¹ A violation of § 565.060, RSMo. *State of Missouri v. Dallas McKee Standefer*, St. Charles Co. Cir. Ct., 0611-CR06898-01.

² A violation of § 195.233, RSMo. *State of Missouri v. Dallas McKee Standefer*, St. Charles Co. Cir. Ct., 0611-CR06363.

³ A violation of § 195.202, RSMo. *State of Missouri v. Dallas McKee Standefer*, St. Charles Co. Cir. Ct., 0611-CR06363.

CONCLUSIONS OF LAW

9. 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:

* * *

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

* * *

(5) Been convicted of any felony[.]

10. 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.
11. Standefer may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of a felony:
 - a. *State of Missouri v. Dallas McKee Standefer, St. Charles Co. Cir. Ct., 0611-CR06363* (Assault in the Second Degree, a Class C Felony in violation of § 565.060, RSMo).
12. Standefer also may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(3) because, in an attempt to obtain a license through his Application, he misrepresented the extent and nature of his criminal history, in that he failed to disclose that he had been convicted of two Class A Misdemeanors, which information was material to the Director's licensure decision.
13. The Director has considered Standefer's history and all of the circumstances surrounding Standefer's Application. Granting Standefer a motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a motor vehicle extended service contract producer license to Standefer.
14. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Dallas M. Standefer** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 3RD DAY OF JULY, 2013.




JOHN M. HUFF
DIRECTOR

NOTICE

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

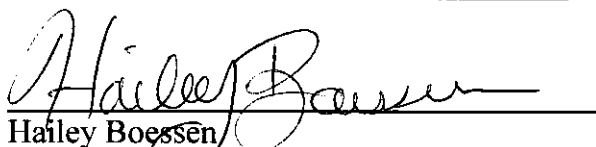
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 8 day of July, 2013, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following address:

Dallas M. Standefer
392 Horstmeier Road
St. Peters, Missouri 63376

Certified No. 7009 3410 0001 9255 1032



Hailey Boessen
Senior Office Support Assistant
Agent Investigation Section
Missouri Department of Insurance, Financial
Institutions and Professional Registration
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