



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
ALICIA M. DAVIS,) Case No. 1904090620C
)
Applicant.)

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

On May 21, 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 Alicia M. Davis. 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. Alicia M. Davis (“Davis”) is a Missouri resident with a reported residential address of 1042 St. Matthew Avenue, O’Fallon, Missouri 63366. Davis reported her business address as Driver’s Protection, 3773 New Town Blvd., St. Charles, Missouri 63301.
2. On February 4, 2019, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Davis’ “Application for Motor Vehicle Extended Service Contract Producer License” (“2019 Application”).
3. Previously, on February 7, 2012, Davis submitted an Application for a Motor Vehicle Extended Service Contract Producer License (“2012 Application”). The Department issued Davis a Motor Vehicle Extended Service Contract (“MVESC”) Producer License on March 14, 2012, which MVESC producer license expired March 14, 2014.
4. Background Information Question No. 1 on the 2012 Application asks:

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 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 judgment.

5. Davis answered “No” to Background Question No. 1 on the 2012 Application.

6. Background Question 1 on the 2019 Application asks in pertinent 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?

7. Davis answered “Yes” to Background Question 1 on the 2019 Application and included a written statement explaining the circumstances of each incident, a certified copy of the charging document and a certified copy of the official document which demonstrated the resolution of the charges or any final judgment.

8. The documents provided by Davis revealed that on or about September 30, 2010, the St. Charles County Prosecuting Attorney charged Davis with Passing Bad Check--less than \$500, a Class A Misdemeanor. *State v. Alicia*

M. Davis, St. Charles Co. Assoc. Cir. Ct., Case No. 1011-CR05412.

9. On March 23, 2011, following a guilty plea, the St. Charles County Associate Circuit Court sentenced Davis to sixty days confinement in the St. Charles County Detention Center, giving Davis credit for jail time served awaiting trial. *Id.*
10. The documents provided by Davis additionally revealed that on or about May 31, 2011, the St. Charles County Prosecuting Attorney charged Davis with Theft/stealing (value of property/services less than \$50), a Class A Misdemeanor (Count 1) and Fraudulent use of credit/debit device (value less than \$5), a Class A Misdemeanor (Count 2.) *State v. Alicia Marie Davis*, St. Charles Co. Cir. Ct., Case No. 1111-CR03049
11. On July 3, 2012, pursuant to a guilty plea, the St. Charles County Circuit Court sentenced Davis to sixty days confinement in the St. Charles County Detention Center on both Count 1 and Count 2, with credit for jail time served awaiting trial. *Id.*
12. The documents Davis provided with her 2019 Application further revealed that on June 20, 2011, the St. Charles County Prosecuting Attorney filed a case against Davis charging Davis with Possession of controlled substance (heroin) except 35 grams or less of marijuana, a Class C felony (Count 1) and Unlawful use of drug paraphernalia, a Class A Misdemeanor (Count 2). *State v. Alicia Marie Davis*, St. Charles Co. Cir. Ct., Case No. 1111-CR03317-01.
13. On August 20, 2012, pursuant to a guilty plea, the St. Charles County Circuit Court sentenced Davis (on Count 1) to five years confinement with the Missouri Department of Corrections, to be served concurrently with the sentence handed down on Count 2 and the sentences in Case No. 1211-CR02304-01 and Case No. 1211-CR02994-01. On Count 2, the court sentenced Davis to confinement for a period of four months. *Id.*
14. The documents Davis provided in her 2019 Application revealed that on June 29, 2012, the St. Charles County Prosecuting Attorney filed an Information charging Davis with Theft/stealing (value of property or services is \$25,000 or more), a Class B felony (Count 1). *State v. Alicia Marie Davis*, St. Charles Co. Cir. Ct., Case No. 1211-CR02304-01.
15. On August 20, 2012, pursuant to a guilty plea, the St. Charles County Circuit Court sentenced Davis to five years confinement with the Missouri Department of Corrections, to be served concurrently with the sentences handed down in Case No. 1211CR02994-01 and Case No. 1111-CR03317-01. *Id.*

16. Finally, the documents provided by Davis in her 2019 Application revealed that the St. Charles County Prosecuting Attorney filed an Information charging Davis with Receiving Stolen Property, a Class C Felony (Count 1). *State v. Alicia Marie Davis*, St. Charles Co. Cir. Ct., Case No. 1211-CR02994-01.
 17. On August 20, 2012, pursuant to a guilty plea, the St. Charles County Circuit Court sentenced Davis to serve five years with the Missouri Department of Corrections concurrent with the sentences handed down in Case No. 1211-CR02304-01 and Case No. 1111-CR03317-01. *Id.*
 18. Effective May 7, 2017, the Missouri Department of Corrections discharged Davis from supervision.
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19. The Director is a state regulator of service contracts.

CONCLUSIONS OF LAW

20. Section 385.209.1, RSMo 2016,¹ provides:

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.;

* * *

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

* * *

¹ All further civil statutory references are to RSMo 2016 unless otherwise indicated.

(5) Been convicted of any felony[.]

21. The Director may refuse to issue an MVESC producer license to Davis under § 385.209.1(1) because Davis answered “No” to Background Question 1 on her 2012 Application despite the fact that on September 30, 2010, the St. Charles County Prosecuting Attorney charged Davis with Passing Bad Check—less than \$500, a Class A Misdemeanor. *State v. Alicia M. Davis*, St. Charles Co. Assoc. Cir. Ct., Case No. 1011-CR05412.
22. Further, On March 23, 2011, following a guilty plea, the St. Charles County Associate Circuit Court sentenced Davis to sixty days confinement in the St. Charles County Detention Center, giving Davis credit for jail time served awaiting trial. *Id.*
23. Consequently, both the charge and the conviction of the Class A misdemeanor, Passing Bad Check—less than \$500, occurred prior to Davis’ submittal of the 2012 Application.
24. Additionally, on or about May 31, 2011, the St. Charles County Prosecuting Attorney charged Davis with Theft/stealing (value of property/services less than \$50), a Class A Misdemeanor (Count 1) and Fraudulent use of credit/debit device (value less than \$5), a Class A Misdemeanor (Count 2.) *State v. Alicia Marie Davis*, St. Charles Co. Cir. Ct., Case No. 1111-CR03049.
25. Davis answered “No” to Background Question 1 on her 2012 Application despite having been charged with two Class A Misdemeanors as outlined above in paragraph 24.
26. And on June 20, 2011, the St. Charles County Prosecuting Attorney filed a case against Davis charging Davis with Possession of controlled substance (heroin) except 35 grams or less of marijuana, a Class C felony (Count 1) and Unlawful use of drug paraphernalia, a Class A Misdemeanor (Count 2). *State v. Alicia Marie Davis*, St. Charles Cir. Ct., Case No. 1111-CR03317-01.
27. The Director may refuse to issue an MVESC producer license to Davis because Davis submitted an application for an MVESC producer license that was incomplete in a material respect and that contained incorrect, misleading, or untrue information. Davis failed to advise the Department that she had been charged with four misdemeanors and one felony and been convicted of one misdemeanor crime. The Department issued Davis an MVESC producer license without having all the information it required to assess Davis’ 2012 Application.

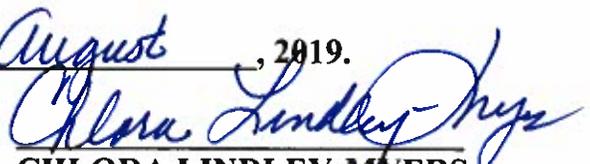
28. The Director may refuse to issue an MVESC producer license to Davis under § 385.209.1(3) because Davis answered “No” to Background Question 1 on her 2012 Application. She obtained an MVESC producer license through material misrepresentation or fraud in that she failed to include the four misdemeanor charges and one felony charge and the misdemeanor conviction on her 2012 Application.
29. The Director may refuse to issue an MVESC producer license to Davis under § 385.209.1(5) because Davis has been convicted of three felonies.
30. The above-described instances are grounds upon which the Director may refuse to issue Davis an MVESC producer license.
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31. Accordingly, and for all of the reasons given in this Petition, the Director has considered Davis’s history and all of the circumstances surrounding Davis’ Application and is exercising her discretion to refuse to issue Davis an MVESC producer license.
32. The requested Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the MVESC producer license Application of **Alicia M. Davis** is hereby **REFUSED**.

SO ORDERED.

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


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 day of August, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, with signature required, at the following address:

Alicia M. Davis
1042 St. Matthew Avenue
O'Fallon, Missouri 63366

No. 1Z0R15W84298956629



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