



State of Missouri

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

IN RE:)
)
 DESTINY DEMETRIA DODD,) **Case No. 1906120870C**
)
 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 Destiny Demetria Dodd. 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. Destiny Demetria Dodd (“Dodd”) is a Missouri resident with a residential address of record of 852 Vista Pointe, St. Louis, Missouri, 63138.
2. On October 4, 2018, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Dodd’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
3. Background Information Question No. 1 of the Application asks the following in relevant part:

Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?
4. Dodd marked “No” to Background Information Question No. 1.
5. The Consumer Affairs Division’s investigation into Dodd’s Application revealed that, contrary to Dodd’s “No” answer to Background Question No. 1, Dodd has pled guilty to a felony:

- a. On or about August 28, 2017, Dodd pled guilty in the St. Charles County Circuit Court to one count of the Class C Felony of Receiving Stolen Property, in violation of RSMo § 570.030.1(3). *State of Missouri v. Destiny Dodd*, St. Charles Co. Cir. Ct., 1611-CR01315. The court suspended imposition of sentence and placed Dodd on five years' probation. The court also ordered Dodd to pay restitution.¹
6. It is inferable, and is hereby found as fact, that Dodd failed to disclose her criminal history in her Application in order to mislead the Director into believing that Dodd had no criminal history, in order to improve the chances that the Director would approve her Application and issue her an Motor Vehicle Extended Service Contract Producer license.
7. On October 15, 2018, Division Special Investigator Andrew Engler ("Engler") mailed an inquiry letter via first class mail to Dodd at the address provided in the application. In the letter, Engler asked Dodd to provide an explanation of her failure to disclose the felony charge. Engler asked for a response within twenty days and stated that, "[f]ailure to respond could result in a refusal to issue your MVESC license."
8. The inquiry letter dated October 15, 2018 was not returned as undeliverable to the Division, and therefore, is presumed received.
9. Dodd did not respond timely or at all to the October 15, 2018 letter, and she did not demonstrate any reasonable justification for her failure to respond.
10. On November 8, 2018, Engler sent another inquiry letter to Dodd via first class mail, postage prepaid, to Dodd's residential address. In his letter, Engler again asked Dodd for an explanation of her failure to disclose her felony charge. Engler stated that "[p]ursuant to 20 CSR 100-4.100, your response was due within 20 days. Failure to respond could result in a refusal to issue your MVESC license."
11. The inquiry letter dated November 8, 2018 was not returned as undeliverable to the Division, and therefore, is presumed received.
12. Dodd did not respond timely to the November 8, 2018 letter and she did not demonstrate reasonable justification for her failure to respond.

CONCLUSIONS OF LAW

13. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course

¹ All criminal statutory references are to the Revised Statutes of Missouri, utilized at the time of offense.

of the mail. *Hughes v. Estes*, 793 S.W. 2d 206, 209 (Mo. App. S.D. 1990).

14. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, 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 the delay.

15. Section 385.209.1, RSMo 2016, 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 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 [.]

16. The Director may refuse to issue an Motor Vehicle Extended Service Contract Producer license to Dodd under §385.209.1(2) because Dodd violated 20 CSR 100-4.100(2)(A), a rule of the Director, in that Dodd failed to respond to two written inquiries from the Division from October 15, 2018 and November 8, 2018, and Dodd failed to demonstrate reasonable justification for any delay.
17. Each violation of 20 CSR 100-4.100(2)(A) constitutes a separate and sufficient ground for the Director to refuse to issue an Motor Vehicle Extended Service Contract Producer license to Dodd under §385.209.1(2).
18. The Director may refuse to issue an Motor Vehicle Extended Contract Producer license to Dodd under §385.209.1(3) because Dodd attempted to obtain a license

through material misrepresentation or fraud because she failed to disclose her 2017 guilty plea to the charge of Receiving Stolen Property. *State of Missouri v. Destiny Dodd*, St. Charles Co. Cir. Ct., 1611-CR01315.

19. The Director has considered Dodd's history and all of the circumstances surrounding Dodd's Application and exercises her discretion to refuse to issue Dodd an Motor Vehicle Extended Service Contract producer license.
20. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **DESTINY DEMETRIA DODD** 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 15th 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:

Destiny Demetria Dodd
852 Vista Pointe
St. Louis, MO 63138

No. 1Z0R15W84298188932



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