



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

EYHAB S. DAOUD,

Applicant.

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Case No. 174678

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

On August 16, 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 Eyhab S. Daoud. 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. Eyhab S. Daoud, ("Daoud") is a Missouri motor vehicle extended service contract (MVESC) producer license applicant with an address of record of 16711 Heather Moor Drive, Florissant, Missouri, 63034.
2. On or about July 20, 2012, Daoud submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.
3. Background Question No. 1 of the Application asks, in 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. Daoud marked "Yes" to Question No. 1.
5. With his Application, Daoud included a document entitled "Arrest Record Information," that appeared to have been generated by the St. Louis County Police.

6. The Arrest Record Information indicated that Daoud had pled guilty on May 23, 2006, to the felonies of Unlawful Use of a Weapon and Possession of a Controlled Substance, and that on both pleas the court imposed a three-year prison sentence but suspended execution of the sentence.

7. Daoud also included a written explanation of his "Yes" answer to Background Question No. 1, which read, verbatim in its entirety:

In 2004 I was Driving home w/ a friend in my Father's Truck & didn't know he had his Fire arm in the truck. My Father owns a liquor store in the city of N. St. Louis. I was pulled over they searched the vehicle & found the weapon & searched my friend & found prescription drugs on him & I was charged w/ unlawful use of a Weapon due to the fact there was a controlled substance in the vehicle w/ a fire arm. I served 3 yrs probation successfully.

8. In response to an inquiry from the Consumer Affairs Division's investigator, Daoud provided certified copies of the Complaint, Plea of Guilty, and Sentence and Judgment from *State of Missouri v. Eyhab S. Dauod*,¹ St. Louis Co. Cir. Ct., 2105R-04257-01.

9. Those documents revealed that on or about May 23, 2006, Daoud pled guilty in the Circuit Court of St. Louis County to the Class D Felony of Unlawful Use of a Weapon, in violation of § 571.030.1(1), RSMo Supp. 2004, and the Class C Felony of Possession of a Controlled Substance, in violation of § 195.202, RSMo 2000.

10. The court sentenced Daoud on each count to three (3) years' imprisonment, to be served concurrently, but suspended execution of both sentences and placed Daoud on three (3) years' probation.

¹ The misspelling of Daoud's last name appears throughout the court documents in the case and in the Case.net entry.

CONCLUSIONS OF LAW

11. 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:

* * *

(5) Been convicted of any felony[.]

12. 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.
13. Daoud may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of two felonies:
 - a. *State of Missouri v. Eyhab S. Dauod*, St. Louis Co. Cir. Ct., 2105R-04257-01 (Unlawful Use of a Weapon, a Class D Felony of in violation of § 571.030.1(1), RSMo Supp. 2004); and
 - b. *State of Missouri v. Eyhab S. Dauod*, St. Louis Co. Cir. Ct., 2105R-04257-01 (Possession of a Controlled Substance, a Class C Felony in violation of § 195.202, RSMo 2000).
14. The Director has considered Daoud's history and all of the circumstances surrounding Daoud's Application. Granting Daoud 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 Daoud.
15. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Eyhab S. Daoud** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 19th DAY OF AUGUST, 2013.



A handwritten signature in blue ink, appearing to read "John M. Huff", is written over a horizontal line.

JOHN M. HUFF
DIRECTOR

NOTICE

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

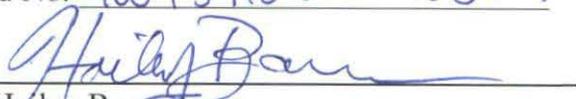
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 21 day of August, 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:

Eyhab S. Daoud
16711 Heather Moor Drive
Florissant, Missouri 63034

Certified No. 7009 3410 0001 9254 9954


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