



**FINAL ORDER**  
**EFFECTIVE**  
**01-17-17**

**State of Missouri**

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION

**IN RE:** )  
 )  
**EVAN ALEXANDER LUSTER,** ) **Case No. 160815380C**  
 )  
**Applicant.** )

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

On December 6, 2016, 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 Evan Alexander Luster. 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. Evan Alexander Luster (“Luster”) is a Missouri resident with a current residential address of 615 Morgan Street, St. Charles, Missouri 63301.
2. On June 29, 2016, the Department received Luster’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
3. Background Question Number 1 of the Application asks, in relevant 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?

4. Luster answered “Yes” to Background Question Number 1 on his Application and he attached documentation showing that on September 26, 2011, he pled guilty to the Class D Felony of Non-Support, Total Arrears in Excess of 12 Monthly Payments Due Under Order of Support, in violation of § 568.040.<sup>1</sup> *State v. Evan A. Luster,*

<sup>1</sup> All criminal statutory references are to that version of RSMo in effect at the time of the commission of the crime.

Jefferson Co. Cir. Ct., Case No. 10JE-CR02092-01. The court suspended imposition of sentence and ordered Luster to serve five years' supervised probation. *Id.*

5. On September 13, 2013, the Court revoked Luster's probation in Case No. 10JE-CR02092-01, suspended execution of a four-year sentence of incarceration and ordered Luster to serve five years' supervised probation and 10 days shock incarceration. *Id.* On January 6, 2016, the court scheduled a show cause hearing. At the request of the prosecutor, the court rescinded Luster's earned compliance credits. *Id.* See § 217.703, RSMo Supp. 2013.<sup>2</sup>
6. On July 13, 2016, the court converted Luster's probation to bench probation; Luster currently remains on bench probation. *Id.*
7. Background Question Number 7 of the Application asks:

Do you currently have or have you had a child support obligation?

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 related 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?

8. Luster marked "Yes" in response to Background Question Numbers 7, 7a, and 7g, and indicated that he was "over 12" months in arrears. With his Application, Luster submitted a written explanation regarding *State v. Evan A. Luster*, Jefferson Co. Cir. Ct., Case No. 10JE-CR02092-01 and the disposition of that case. Luster also submitted payment histories for two child support orders: St. Louis child support order number 03FC000400 and St. Charles child support order number 1011FC03811.
9. Luster actually has three cases where he was ordered to pay child support. For one of his children, K.H., the two separate orders referenced above have been issued. Luster

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<sup>2</sup> All further civil statutory references are to RSMo Supp. 2013, unless otherwise indicated.

is also subject to another child support order as to another child, J.W. Luster's obligations and arrearages are as follows:

(1) In *State ex rel. Hairer v. Luster*, St. Louis Co. Cir. Ct., Case No. 2103FC-00400, Luster was ordered to pay \$646.00 per month for one child, K.H. As of June 27, 2016, two days before the Department received his Application, Luster owed \$34,290.17 in arrearages on this case. As of November 23, 2016, Luster owed \$34,200.92 in arrearages.

(2) In *Luster et al. v. Hairer*, St. Charles Co. Cir. Ct., Case No. 1011-FC03811, Luster was ordered to pay \$321.00 per month for one child, K.H. As of June 27, 2016, two days before the Department received his Application, Luster owed \$7,400.46 in arrearages on this case. As of November 23, 2016, Luster owed \$7,806.60 in arrearages.

(3) In *State ex rel. Warren v. Luster*, St. Louis Co. Cir. Ct., Case No. 2100FC-05896, Luster was ordered to pay \$283.00 per month for one child, J.W. As of June 2016, he owed \$22,236.41 in arrearages on this case. As of November 23, 2016, Luster owed \$22,653.74 in arrearages.

10. It is inferable, and hereby found as fact, that Luster failed to disclose his child support obligation as to J.W., in *State ex rel. Warren v. Luster*, St. Louis Co. Cir. Ct., Case No. 2100FC-05896, in order to obscure the full extent of his child support obligations and arrearages and in order to improve the chances that the Director would issue a license to him.

#### CONCLUSIONS OF LAW

11. Section 385.209.1 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:

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

\* \* \*

- (5) Been convicted of any felony; [or]

\* \* \*

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

12. The Director may refuse to issue a motor vehicle extended service contract producer license to Luster under § 385.209.1(3) because Luster attempted to obtain a license through material misrepresentation or fraud because he failed to disclose his child support obligation as to J.W. Indeed, as of November 23, 2016, Luster owed \$22,653.74 in arrears on this obligation.
13. The Director may refuse to issue a motor vehicle extended service contract producer license to Luster under § 385.209.1(5) because Luster has been convicted of a felony. Luster was convicted of Felony Non-Support after the court revoked his probation; the court also rescinded Luster's earned compliance credits. *State v. Evan A. Luster*, Jefferson Co. Cir. Ct., Case No. 10JE-CR02092-01. Luster is still on bench probation for this conviction. *Id.*
14. The Director may refuse to issue a motor vehicle extended service contract producer license to Luster under § 385.209.1(12) because Luster failed to comply with an administrative or court order imposing a child support obligation. In fact, Luster has failed to comply with three such court orders. *State ex rel. Hairer v. Luster*, St. Louis Co. Cir. Ct., Case No. 2103FC-00400; *Luster et al. v. Hairer*, St. Charles Co. Cir. Ct., Case No. 1011-FC03811; and *State ex rel. Warren v. Luster*, St. Louis Co. Cir. Ct., Case No. 2100FC-05896.
15. As of November 23, 2016, Luster owed \$34,200.92 in arrears in Case No. 2103FC-00409, \$7,806.60 in arrears in Case No. 1011-FC03811, and \$22,653.74 in arrears in Case No. 1011-FC05896.
16. Each failure to comply with an administrative or court order imposing a child support obligation constitutes a separate and sufficient ground for the Director to refuse to issue Luster a motor vehicle extended service contract producer license under § 385.209.1(12).
17. The above-described instances are grounds upon which the Director may refuse to issue Luster a motor vehicle extended service contract producer license. Luster has been convicted of Felony Non-Support and he failed to disclose the full extent of his child support obligations and arrearages on his Application. And Luster has failed to comply with administrative or court orders imposing a child support obligation. Indeed, as of November 23, 2016, and in total, Luster's child support arrears exceed \$64,000.00 (\$34,200.92 + \$7,806.60 + \$22,653.74 = \$64,661.26).

18. The Director has considered Luster's history and all of the circumstances surrounding Luster's Application. Issuing a motor vehicle extended service contract producer license to Luster would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to issue Luster a motor vehicle extended service contract producer license.
19. This Order is in the public interest.

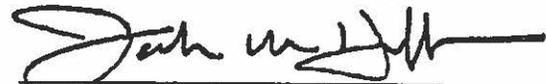
**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license Application of Evan Alexander Luster is hereby **REFUSED**.

**SO ORDERED.**

**WITNESS MY HAND THIS 15<sup>th</sup> DAY OF DECEMBER, 2016.**



  
**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.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of December, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following address:

Evan A. Luster  
615 Morgan Street  
St. Charles, MO 63301

Tracking No. 1Z0R15W84290202288

  
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