



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

DAKOTA FLEWELLYN,

Applicant.

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Case No. 181108948C

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

On December 3, 2018, 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 Dakota Flewellyn. After reviewing the Petition and the Investigative Report and other relevant documents, the Director issues the following findings of fact, conclusions of law and order:

FINDINGS OF FACT

1. Dakota Flewellyn (“Flewellyn”) is a Missouri resident with a residential address of 104 S. Locust St., Wright City, Missouri 63390.
2. On September 12, 2018, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Flewellyn’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
3. Background Information 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. Flewellyn answered “No” to Background Information Question Number 1 on his Application.

5. Contrary to Flewellyn's response to Background Information Question Number 1, an investigation by the Division revealed Flewellyn had been convicted of two felonies. Specifically, Flewellyn was found guilty upon a plea of guilty on June 29, 2011, to two (2) counts of Class D felonies of Sexual Misconduct or Attempt Involving a Child Under 15, in violation of § 566.032 RSMo.¹ *State v. Dakota Michael Flewellyn*, Warren Co. Cir. Ct., Case No. 10BB-CR00632-01. The court sentenced Flewellyn to 4 years' incarceration with the Department of Corrections on Count I and Count II, to run consecutive for a total of eight (8) years. The court ordered 120 shock detention pursuant to § 559.115. On October 19, 2011 the court released Flewellyn from confinement. On October 28, 2011 the court ordered 5 years supervised probation. Flewellyn was discharged from probation on October 27, 2016.
6. After reviewing Flewellyn's Application and his criminal record, Division Special Investigator Andrew Engler ("Engler") sent an inquiry letter via US first class mail to the address provided on Flewellyn's application, dated September 14, 2018, asking Flewellyn to provide a statement as to why he failed to disclose these two felonies to the Department and to provide certified copies of the Information, Complaint, or other charging documents for the criminal case.
7. Flewellyn responded by stating his failure to disclose was an honest mistake and that he had misinterpreted language on the application. Flewellyn stated, "[r]egarding why I didn't disclose this, it was an honest mistake on my part and misreading part of the application for my license as far as if it was something I had not previously [sic] disclosed (which I did on my application for employment) to the insurance agency."
8. No such language limited the scope of Background Question Number 1 to criminal not previously disclosed on appears on Flewellyn's application. Even so, Flewellyn had not previously disclosed his felonies to the Department.
9. It is inferable and hereby found as fact, that Flewellyn failed to disclose his two (2) Warren County felony convictions on his Application in the hopes that the Director would look more favorable upon his Application and issue a license to him.

¹ This and all criminal statutory citations are to that version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

CONCLUSIONS OF LAW

10. 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'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[.]

11. The Director may refuse to issue a motor vehicle extended service contract producer license to Flewellyn under § 385.209.1(3) because Flewellyn attempted to obtain a license through material misrepresentation or fraud because he failed to disclose on his Application two (2) 2011 felony convictions for Sexual Misconduct or Attempt Involving a Child Under 15, in response to Background Information Question Number 1. *State v. Dakota Michael Flewellyn*, Warren Co. Cir. Ct., Case No. 10BB-CR00632-01.
12. The Director may refuse to issue a motor vehicle extended service contract producer license to Flewellyn under § 385.209.1(5) because Flewellyn has been convicted of two felonies: Sexual Misconduct or Attempt Involving a Child Under 15 in violation of § 566.032 RSMo. *State v. Dakota Michael Flewellyn*, Warren Co. Cir. Ct., Case No. 10BB-CR00632-01.
13. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Flewellyn a motor vehicle extended service contract producer license under § 385.209.1(5).
14. The above-described instances are grounds upon which the Director may refuse to issue Flewellyn a motor vehicle extended service contract producer license.
15. The Director has considered Flewellyn's history and all of the circumstances surrounding Flewellyn's Application. Issuing a motor vehicle extended service

contract producer license to Flewellyn would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Flewellyn a motor vehicle extended service contract producer license.

16. This Order is in the public interest.

ORDER

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

SO ORDERED.

WITNESS MY HAND THIS 12th 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.

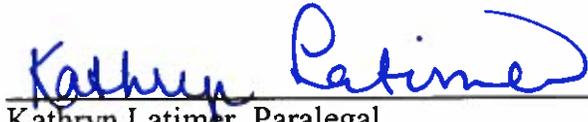
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CERTIFICATE OF SERVICE

I hereby certify that on this 13th 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:

Dakota Flewellyn
104 Locust St.
Wright City, MO 63390

Tracking No. 1Z0R15W84297340321



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