



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

In Re:

MASON HAINES,

Applicant.

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Case No. 171004388C

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On August 21, 2018, the Consumer Affairs Division submitted a petition to the Director alleging cause to refuse to issue a Motor Vehicle Extended Service Contract Producer License to Mason Haines. 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. Mason Haines ("Haines") is a Missouri resident with a residential and mailing address of 1114 Highgrove, O'Fallon, Missouri, 63366.
2. On May 10, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Haines's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "Applicant's Certification and Attestation" section of the Application states, in relevant part:
 1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
4. Haines signed the "Applicant's Certification and Attestation" section of the Application under oath before a notary public.

5. Background Question No. 1 of the Application asked the following:

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?

* * *

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

6. Haines answered “Yes” in response to Background Question No. 1 on his Application.
7. Haines’s Application included court documents disclosing that on August 21, 2012, Haines pled guilty to DWI – Combined Alcohol/Drug Intoxication – Persistent Offender, a Class D Felony in violation of § 577.010, RSMo.¹ The court sentenced Haines to three (3) years’ incarceration but suspended the execution of his sentence, ordering five (5) years’ probation. *State of Missouri v. Mason Richard Haines*, St. Charles Co. Cir. Ct., Missouri, 1211-CR03024-01. On January 15, 2013, Haines’s probation was revoked and his sentence was executed.
8. Along with the court documents, Haines also submitted a letter explaining his response to Background Question No. 1. The letter stated, verbatim:
- I have plead guilty to a felony dwi back in 2014 when I was arrested and charged as such. My lawyer did handle my case getting me placed on SES probation. Which, I subsequently violated by driving a vehicle when I was not supposed to. This in turn caused the conviction to go on my record. I however did complete my probation and all stipulations without further mishaps or problems. I felt it was important to disclose this information while attempting to obtain my personal motor vehicle extended service contract producer license. All judgments against have been settled and relieved in which I am currently no longer on probation.
9. An investigation conducted by the Consumer Affairs Division (“Division”), discovered that Haines had failed to disclose that he had been charged with committing a crime at the time he filed his application.
10. On September 7, 2016, Haines was charged by indictment on a charge of Possession of Controlled Substance Except 35 Grams or Less of Marijuana, a Class C Felony in

¹ All criminal statutory references are to the version of the statute under which the court rendered its judgment.

violation of § 195.202, RSMo. *State v. Mason Richard Haines*, Phelps Co. Cir. Ct., Case No. 16PH-CR00636-01. Haines was arraigned on September 23, 2016. *Id.* On November 3, 2017, Haines pled guilty and was convicted. *Id.* The court sentenced Haines to seventy-five (75) days' confinement in county jail, with credit for time served. *Id.*

11. It is inferable, and hereby found as fact, that Haines failed to disclose pending criminal charges in response to Background Question No. 1 of his Application in order to misrepresent to the Director that his criminal history was limited to a single felony which had been fully resolved and thereby improve the likelihood that the Director would issue him a Motor Vehicle Extended Service Contract ("MVESC") producer license.

**JURISDICTION AND STATUTORY GROUNDS FOR REFUSING TO ISSUE A
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE**

12. Section 385.209 RSMo (2016),² states, in relevant 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:

* * *

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

* * *

(5) Been convicted of any felony[.]

13. The Director may refuse to issue Haines an MVESC producer license pursuant to § 385.209.1(3) because Haines attempted to obtain a license through material misrepresentation or fraud when he failed to disclose that he had been charged with committing a crime in the case of *State v. Mason Richard Haines*, Phelps Co. Cir. Ct., Case No. 16PH-CR00636-01, in response to Background Question No. 1 of the Application.
14. The Director may refuse to issue Haines an MVESC producer license pursuant to § 385.209.1(5) because Haines has been convicted of two felonies:
 - a. Possession of Controlled Substance Except 35 Grams or Less of Marijuana, a Class C Felony. *State v. Mason Richard Haines*, Phelps Co. Cir. Ct., Case No. 16PH-CR00636-01; and

² All civil statutory references are to the Revised Statutes of Missouri (2016).

- b. DWI – Combined Alcohol/Drug Intoxication – Persistent Offender, a Class D Felony.
State v. Mason Richard Haines, St. Charles Co. Cir. Ct., Missouri, 1211-CR03024-01.
15. The Director has considered Haines's history and all of the circumstances surrounding his Application and exercises her discretion to refuse to issue Haines an MVESC producer license.
16. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that **Mason Haines's** Motor Vehicle Extended Service Contract Producer license application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 12th 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.

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of August, a copy of the foregoing Order and Notice was served upon the Applicant in this matter UPS, to the following address:

Mason Haines
1114 Highgrove,
O'Fallon, Missouri, 63366

Tracking No. 1Z0R15W84296172854


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