



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

JOHN LEONARD HALL,

Applicant.

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Case No. 171959E

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On October 3, 2012, 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 John Leonard Hall. 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. John Leonard Hall, ("Hall") is a Missouri resident with a residential address of 6 Shepherd Knoll Court, St. Peters, Missouri 63376.
2. On June 14, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Hall'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. Hall signed the Application in the "Applicant's Certification and Attestation" section before a notary.

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

Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

“Crime” includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license or juvenile offenses. “Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

“Had a judgment withheld or deferred” includes circumstances in which a guilty plea was entered and/or a finding of guilt is made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an “SIS” or “SES”).

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

- a) a written statement explaining the circumstances of each incident,
 - b) a copy of the charging document, and
 - c) a copy of the official document which demonstrates the resolution of the charges or any final judgment[.]
6. Hall marked “Yes” to Question No. 1. Hall failed to include a written statement or a copy of any document relevant to his “Yes” answer to Question No. 1.
7. On June 18, 2012, the Department sent Hall an Additional Information Request, requiring Hall to submit a written statement and documents relevant to his “Yes” answer to Question No. 1.
8. On June 22, 2012, the Department received additional information from Hall concerning his “Yes” answer to Question No. 1, including a written statement and documents relevant to his “Yes” answer to Question No. 1.
9. The written statement and documents disclosed Hall’s 1996 conviction in case number CR196-1678FX in the Circuit Court of St. Charles County, Missouri, of two Class C felonies of Burglary in the Second Degree and one class C felony of Stealing.¹
10. In its Sentence and Judgment in case number CR196-1678FX, the court found that Hall was a Prior Offender and a Persistent Offender and sentenced and committed Hall to the custody of the Missouri Department of Corrections for a period of six years.

¹ The documents attached to Hall’s application revealed that Hall was charged with ten counts but, by omitting several pages of court documents, disclosed convictions on only three counts.

11. Hall's written statement stated, in its entirety:

To whom it may concern

My name is John Hall and I am a convicted felon for class C non violent crime.

I was convicted for stealing furniture from a mobile Sales Center.

This happened over sixteen years ago and its in my hopes that the State will consider this was a mistake from a very long time ago when you consider me for a State license.

Thank you for your advanced consideration.

Respectfully Submitted

John Hall

I've enclosed the charging document and the Resolution document. Thank you for your advanced consideration.

Respectfully Submitted

John Hall

12. Hall did not disclose any further criminal history.
13. The Department's subsequent investigation revealed an additional eighteen (18) felony convictions in Hall's history:
- a. On October 21, 1987, Hall pleaded guilty to the Class C felony of Burglary in the Second Degree and the class C felony of Stealing Over \$150 in the Circuit Court of St. Louis County, Missouri, in case # 564371, received a suspended execution of sentence and five years' probation. Hall's probation was revoked on October 10, 1991 and he was ordered to serve the originally imposed sentence.
 - b. Also on October 21, 1987, based on a separate incident, Hall pleaded guilty to another Class C felony of Burglary in the Second Degree and another Class C felony of Stealing Over \$150, in the Circuit Court of St. Louis County, Missouri, in case # 565594, and received a suspended execution of sentence and five years' probation. Hall's probation was revoked on October 10, 1991 and he was ordered to serve the originally imposed sentence.
 - c. On April 27, 1992, Hall pled guilty to four Class C felonies of Burglary in the Second Degree and four Class C felonies of Stealing in the Circuit Court of St. Louis County, Missouri, in case # 91CR-5458. He was sentenced to three years' incarceration on each count, to be served concurrently.

- d. On May 2, 1997, Hall pled guilty to four Class C felonies of Burglary in the Second Degree and four Class C felonies of Stealing in the Circuit Court of St. Charles County, Missouri, in case # CR196-1678FX. He was sentenced to six years' incarceration on each count, to be served concurrently. Of these eight felony convictions, Hall disclosed only three.²
- e. Also on May 2, 1997, Hall pled guilty to one Class D felony of Passing Bad Checks in the Circuit Court of St. Charles, Missouri, in case # CR196-2758FX. He was sentenced to four years' incarceration, to be served concurrently with his sentence in case # CR196-1678FX.

CONCLUSIONS OF LAW

14. Section 385.209 RSMo, Supp. 2012,³ 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:

* * *

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

* * *

(5) Been convicted of any felony[.]

15. 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.

16. Hall may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of twenty (21) felonies:⁴

- a. *State of Missouri v. John Leonard Hall*, St. Louis Co. Cir. Ct., Case No. 564371 (Burglary in the Second Degree, a C Felony, in violation of § 569.170, RSMo).

² See footnote 1.

³ Statutory references are to the 2012 version of the Revised Statutes of Missouri unless otherwise noted.

⁴ Statutory references included in the descriptions of Hall's convictions are not to the 2012 versions, but rather to the versions of the statutes under which Hall was charged and convicted at the relevant times.

- b. *State of Missouri v. John Leonard Hall*, St. Louis Co. Cir. Ct., Case No. 564371 (Stealing Over \$150, a Class C Felony, in violation of § 570.030, RSMo).
- c. *State of Missouri v. John Leonard Hall*, St. Louis Co. Cir. Ct., Case No. 565594 (Burglary in the Second Degree, a Class C Felony, in violation of § 569.170, RSMo).
- d. *State of Missouri v. John Leonard Hall*, St. Louis Co. Cir. Ct., Case No. 565594 (Stealing Over \$150, a Class C Felony, in violation of § 570.030, RSMo).
- e. *State of Missouri v. John Hall*, St. Louis Co. Cir. Ct., Case No. 91CR-5458 (Burglary in the Second Degree, a Class C Felony, in violation of § 569.170, RSMo).
- f. *State of Missouri v. John Hall*, St. Louis Co. Cir. Ct., Case No. 91CR-5458 (Burglary in the Second Degree, a Class C Felony, in violation of § 569.170, RSMo).
- g. *State of Missouri v. John Hall*, St. Louis Co. Cir. Ct., Case No. 91CR-5458 (Burglary in the Second Degree, a Class C Felony, in violation of § 569.170, RSMo).
- h. *State of Missouri v. John Hall*, St. Louis Co. Cir. Ct., Case No. 91CR-5458 (Burglary in the Second Degree, a Class C Felony, in violation of § 569.170, RSMo).
- i. *State of Missouri v. John Hall*, St. Louis Co. Cir. Ct., Case No. 91CR-5458 (Stealing, a Class C Felony, in violation of § 570.030, RSMo).
- j. *State of Missouri v. John Hall*, St. Louis Co. Cir. Ct., Case No. 91CR-5458 (Stealing, a Class C Felony, in violation of § 570.030, RSMo).
- k. *State of Missouri v. John Hall*, St. Louis Co. Cir. Ct., Case No. 91CR-5458 (Stealing, a Class C Felony, in violation of § 570.030, RSMo).
- l. *State of Missouri v. John Hall*, St. Louis Co. Cir. Ct., Case No. 91CR-5458 (Stealing, a Class C Felony, in violation of § 570.030, RSMo).
- m. *State of Missouri v. John Leonard Hall*, St. Charles Co. Cir. Ct., Case No. CR196-1678FX (Burglary in the Second Degree, a Class C Felony, in violation of § 569.170, RSMo).
- n. *State of Missouri v. John Leonard Hall*, St. Charles Co. Cir. Ct., Case No. CR196-1678FX (Burglary in the Second Degree, a Class C Felony, in violation of § 569.170, RSMo).

- o. *State of Missouri v. John Leonard Hall*, St. Charles Co. Cir. Ct., Case No. CR196-1678FX (Burglary in the Second Degree, a Class C Felony, in violation of § 569.170, RSMo).
 - p. *State of Missouri v. John Leonard Hall*, St. Charles Co. Cir. Ct., Case No. CR196-1678FX (Burglary in the Second Degree, a Class C Felony, in violation of § 569.170, RSMo).
 - q. *State of Missouri v. John Leonard Hall*, St. Charles Co. Cir. Ct., Case No. CR196-1678FX (Stealing, a Class C Felony, in violation of § 570.030, RSMo).
 - r. *State of Missouri v. John Leonard Hall*, St. Charles Co. Cir. Ct., Case No. CR196-1678FX (Stealing, a Class C Felony, in violation of § 570.030, RSMo).
 - s. *State of Missouri v. John Leonard Hall*, St. Charles Co. Cir. Ct., Case No. CR196-1678FX (Stealing, a Class C Felony, in violation of § 570.030, RSMo).
 - t. *State of Missouri v. John Leonard Hall*, St. Charles Co. Cir. Ct., Case No. CR196-1678FX (Stealing, a Class C Felony, in violation of § 570.030, RSMo).
 - u. *State of Missouri v. John L. Hall*, St. Charles Co. Cir. Ct., Case No. CR196-1678FX (Passing Bad Checks, a Class D Felony, in violation of § 570.120, RSMo).
17. Each felony conviction is a separate and sufficient cause to refuse Hall's license pursuant to § 385.209.1(5), RSMo.
18. Hall may also be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(3) because Hall failed to disclose seventeen (18) of his twenty (21) felony convictions and thereby attempted to obtain a license through material misrepresentation or fraud, in that:
- a. Hall disclosed three (3) felony convictions and failed to disclose eighteen (18) felony convictions as part of his application for a motor vehicle extended service contract producer license.
 - b. It is highly unlikely that Hall could have genuinely forgotten eighteen (18) felony convictions, and therefore it is inferable from the circumstances that Hall intentionally failed to disclose some or all of those eighteen (18) convictions.
 - c. It is also inferable that Hall failed to disclose the convictions for the purpose of minimizing the extent of his criminal history that would be considered by the Director in determining whether to issue Hall a motor vehicle extended service contract producer license.

- d. The disclosure of only three (3) felony convictions, along with the failure to disclose eighteen (18) felony convictions, constitutes one or more material misrepresentations in that Hall misrepresented the extent of his criminal history, and the extent of Hall's criminal history is material to the Director's licensing decision.
 - e. The disclosure of only three (3) felony convictions, along with the failure to disclose eighteen (18) felony convictions, constitutes an attempt to obtain a license through fraud under § 385.209.1(3), in that it is inferable that Hall intended the Director to rely on his intentionally false representation of a less extensive criminal history in deciding whether to issue a motor vehicle extended service contract producer license to Hall, and such reliance would be detrimental because through it the Director would be prevented from basing his licensure decision on full and accurate information and could be misled to issue a license against the public interest.
19. The Director has considered Hall's history and all of the circumstances surrounding Hall's Application. Granting Hall a motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director hereby exercises his discretion to refuse to issue a motor vehicle extended service contract producer license to Hall.
20. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **John Leonard Hall** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 5TH DAY OF OCTOBER, 2012.





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 10 day of October, 2012, 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:

John Leonard Hall
6 Shepherd Knoll Court
St. Peters, Missouri 63376

Certified No. 7009 3410 0001 9254 3365



Hailey Boessen
Senior Office Support Assistant
Agent Investigation Section
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2640
Facsimile: 573.526.4898
Email: hailey.boessen@insurance.mo.gov