



**FINAL ORDER**  
**EFFECTIVE**  
**03-01-2019**

**State of Missouri**

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION

IN RE:

BRANDON L. HARPER,

Applicant.

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Case No. 180207239C

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

On August 9, 2018, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause to refuse to issue a motor vehicle extended service contract producer license to Brandon L. Harper. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues the following findings of fact, conclusions of law and order:

**STATEMENT OF FACTS**

1. Brandon L. Harper (“Harper”) is a Missouri resident with a residential address of 1373 Stonebury Court, Florissant,<sup>1</sup> Missouri 63033.
2. On August 15, 2017, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received an Application for Motor Vehicle Extended Service Contract Producer License (“Application”) from Harper.
3. The “Applicant’s Certification and Attestation” section of the Application states, in relevant part, as follows:

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

<sup>1</sup> Harper actually listed his town as “Flossiant,” but no such town exists in Missouri, and the zip code he listed (63033) corresponds to Florissant, Missouri.

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. On August 2, 2017, Harper signed the Applicant's Certification and Attestation under oath and before a notary public.

5. Background Information Question Number 1 of the Application asks, in 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?

6. Harper marked "Yes" in response to Background Question No. 1 and disclosed that on November 7, 2003, he was charged in the Circuit Court of St. Louis County with the Class C Felony of Stealing a Motor Vehicle, in violation of § 570.030. On August 12, 2004, Harper pled guilty and the court suspended imposition of sentence. Harper successfully completed probation on August 12, 2009.<sup>2</sup>

7. The Division investigated and discovered that Harper has a federal criminal conviction. On April 29, 2014, Harper pled guilty to Access Device Fraud, in violation of 18 USC § 1029(a)(5) and (c)(1)(A)(ii). *United States of America v. Brandon Harper*, U.S. Dist. Ct., E.D.Mo., Case No. 4:13CR00377-1 JAR. The indictment from the United States Attorney charged that on or about March 4, 2013, Harper "knowingly and with the intent to defraud effected transactions on an access device issued to another person, to wit: a Discover card issued to J.H., to purchase and receive numerous gift cards and pre-paid debit cards of a value of \$11,400, said conduct affecting interstate and foreign commerce." *Id.* On July 31, 2014, the court sentenced Harper to five years of probation with conditions, to include the payment of \$11,400.00 in restitution to Discover Card Services. *Id.* Pursuant to 18 USC § 3559(a), Harper's crime is considered a Class C felony.<sup>3</sup>

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<sup>2</sup> Because Harper successfully completed his SIS probation, case information is no longer available on Missouri Case.net.

<sup>3</sup> 18 USC § 3559(a) provides, in relevant part, that

[a]n offense that is not specifically classified by a letter grade in the section defining it, is classified if the maximum term of imprisonment authorized is –

\* \* \*

8. The Division's investigation also revealed that on August 10, 2017, Harper was charged with the Class D Felony of Forgery, in violation of § 570.090. *State v. Brandon L. Harper*, St. Louis Co. Cir. Ct., Case No. 17SL-CR06820. The Court set the matter for a preliminary hearing on March 1, 2018, but sometime in February or March, the prosecutor dismissed the case, and it no longer appears on Missouri Case.net. On March 8, 2018, the State refiled a forgery charge against Harper. *State v. Brandon L. Harper*, St. Louis Co. Cir. Ct., Case No. 18SL-CR01989. The case is currently set for a preliminary hearing on July 31, 2018. *Id.*
9. On August 23, 2017, Andrew Engler ("Engler"), Special Investigator with the Division, sent an inquiry letter to Harper at 1373 Stonebury Court, Florissant, Missouri 63033, via first class mail through the United States Post Office. Engler inquired regarding Harper's then-pending felony forgery charge in St. Louis County. Engler asked Harper to provide a statement explaining the circumstances surrounding the charge and to provide a copy of case-related documents.
10. Engler's August 23, 2017 letter was not returned to the Department as undeliverable and, therefore, it is presumed to have been received.
11. Harper did not respond to Engler's August 23, 2017 inquiry letter nor did Harper demonstrate reasonable justification for delay.
12. On October 31, 2017, Engler sent another inquiry letter to Harper at the same address via first class mail through the United States Post Office. Engler inquired again regarding Harper's then-pending felony charge in St. Louis County. Engler also asked Harper again to provide a copy of case-related documents.
13. Engler's October 31, 2017 letter was not returned to the Department as undeliverable and, therefore, it is presumed to have been received.
14. Harper did not respond to Engler's October 31, 2017 inquiry letter nor did Harper demonstrate reasonable justification for delay.
15. It is inferable, and hereby found as fact, that Harper failed to disclose in his Application his federal conviction for Access Device Fraud in order to misrepresent to the Director that he did not have such a criminal conviction and,

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(3) less than twenty-five years but ten or more years, as a Class C felony[.]

In turn, 18 USC § 1029(c)(1)(A)(ii) provides that Access Device Fraud committed pursuant to 18 USC § 1029(a)(5) is punishable by "a fine under this title or imprisonment for not more than 15 years, or both[.]"

accordingly, in order to improve the chances that the Director would approve his Application and issue him a motor vehicle extended service contract producer license.

**CONCLUSIONS OF LAW**

16. 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:

\* \* \*

(2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director;

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

\* \* \*

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

\* \* \*

(7) Been found in violation of law by a court of competent jurisdiction in an action instituted by any officer of any state or the United States in any matter involving motor vehicle extended service contracts, financial services, investments, credit, insurance, banking, or finance[.]

17. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, provides:

Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the

requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

18. “There is a presumption that a letter duly mailed has been received by the addressee.” *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. E.D. 2000) (internal citation omitted).
19. The Director may refuse to issue a motor vehicle extended service contract producer license to Harper under § 385.209.1(2) because Harper violated a rule of the director, to wit: 20 CSR 100-4.100(2)(A), because Harper failed to respond at all to written inquiries from the Division, mailed on August 23, 2017 and October 31, 2017. Harper failed to demonstrate reasonable justification for any delay.
20. Each violation of any provision in sections 385.200 to 385.220, or any rule, subpoena, or order of the director constitutes a separate and sufficient ground to refuse to issue a motor vehicle extended service contract producer license to Harper under § 385.209.1(2).
21. The Director may refuse to issue a motor vehicle extended service contract producer license to Harper under § 385.209.1(3) because Harper attempted to obtain a license through material misrepresentation or fraud. In his Application, Harper answered “Yes” in response to Background Question Number 1 regarding criminal matters and disclosed that he received a suspended imposition of sentence for a stealing a motor vehicle charge in 2003. But the Division’s investigation revealed that in 2014, Harper pled guilty to and was convicted of the federal Class C felony of Access Device Fraud. *United States of America v. Brandon Harper*, U.S. Dist. Ct., E.D.Mo., Case No. 4:13CR00377-1 JAR.
22. The Director may refuse to issue a motor vehicle extended service contract producer license to Harper under § 385.209.1(5) because he has been convicted of a felony. *United States of America v. Brandon Harper*, U.S. Dist. Ct., E.D. Mo., Case No. 4:13CR00377-1 JAR.
23. The Director may refuse to issue a motor vehicle extended service contract producer license to Harper under § 385.209.1(7) because Harper has been found in violation of law by a court of competent jurisdiction in an action instituted by an officer of the United States in a matter involving financial services, credit, banking or finance. The indictment from the United States Attorney charged that on or about March 4, 2013, Harper “knowingly and with the intent to defraud effected transactions on an access device issued to another person, to wit: a

Discover card issued to J.H., to purchase and receive numerous gift cards and pre-paid debit cards of a value of \$11,400, said conduct affecting interstate and foreign commerce.” *United States of America v. Brandon Harper*, U.S. Dist. Ct., E.D. Mo., Case No. 4:13CR00377-1 JAR. The court sentenced Harper to five years of probation, and he was ordered to pay \$11,400.00 in restitution to Discover Card Services. Manifestly, Harper was found in violation of law in a matter involving financial services, credit, banking or finance, *i.e.*, fraudulent use of a Discover Card that belonged to someone else.

24. The above-described instances are grounds upon which the Director may refuse to issue a motor vehicle extended service contract producer license to Harper. Harper has twice failed to respond to inquiries from this state’s insurance regulator. Harper failed to disclose his federal felony conviction on his Application. That felony constitutes grounds for refusal; it also shows that Harper has been found in violation of law by a court of competent jurisdiction in an action instituted by an officer of the United States in a matter involving financial services, credit, banking or finance.
25. The Director has considered Harper’s history and all of the circumstances surrounding Harper’s Application. Issuing a motor vehicle extended service contract producer license to Harper would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue a motor vehicle extended service contract producer license to Harper.
26. This Order is in the public interest.

**ORDER**

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

**SO ORDERED.**

WITNESS MY HAND THIS 31<sup>st</sup> DAY OF October, 2018.



  
**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 2nd day of November, 2018, 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:

Brandon L. Harper  
1373 Stonebury Court  
Florissant, Missouri 63033

Tracking No. 1Z0R15W84297189077



Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of November, 2018, 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:

Brandon L. Harper  
1373 Stonebury Court  
Florissant, Missouri 63033

Certified No. 7016 0340 1319 8835



Kathryn Latimer Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)

**CERTIFICATE OF SERVICE**

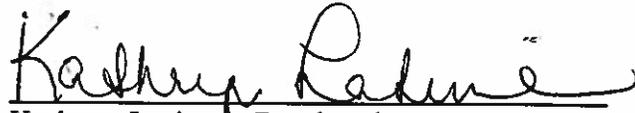
I hereby certify that on this 2nd day of January, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following address:

Brandon L. Harper  
2931 Samuel T Shepard Dr.  
St. Louis, MO 63103

Tracking No. 1Z0R15W84294328976

Brandon L. Harper  
4402 Athlone Ave. Apt. A  
St. Louis, MO 63115

Tracking No. 1Z0R15W84293850180



Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of January, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following address:

Brandon L. Harper  
2931 Samuel T Shepard Dr.  
St. Louis, MO 63103

Tracking No. 7018-2290-0000-5781-2871

Brandon L. Harper  
4402 Athlone Ave. Apt. A  
St. Louis, MO 63115

Tracking No. 7018-2290-0000-5781-2888



Kimberly Landers, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: Kimberly.Landers@insurance.mo.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of February, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, at the following address:

Brandon L. Harper  
USP Marion  
Inmate # 41392-044  
4500 Prison Rd.  
Marion, IL 62959



Kimberly Landers, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: Kimberly.Landers@insurance.mo.gov