



DEPARTMENT OF COMMERCE AND INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

IN RE:

JOSHUA DEAN TRENT,

Applicant.

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Case No. 181015908C

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

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. 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. Joshua Dean Trent (“Trent”) is a Missouri resident with a residential address of 203 Casalon Dr., Apt. 11, O’Fallon, Missouri, 63366.
2. On April 5, 2018, the Department of Insurance, Financial Institutions and Professional Registration¹ (“Department”) received Trent’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”) along with attachments.
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?

¹ The Department of Insurance, Financial Institutions and Professional Registration is the predecessor agency of the Department of Commerce and Insurance. See Executive Order 19-02.

4. Trent answered “Yes” to Background Information Question Number 1 on his Application. Trent provided a letter of explanation regarding his criminal past, disclosing a June 10, 2010 felony conviction for receiving stolen property and a November 18, 2013 misdemeanor conviction for theft. Trent did not provide court records for the misdemeanor conviction and he was missing page four of the felony conviction. He did not disclose any other charges or convictions.
 - a. As to his felony conviction, on November 28, 2006, the Lincoln County Prosecutor charged Trent with Receiving Stolen Property, a Class C Felony, in violation of § 570.080.² *State v. Joshua D. Trent*, Lincoln Co. Cir. Ct., Case No. 06L6-CR01286-01. On August 16, 2007, Trent pled guilty to the charge. *Id.* Also on August 16, 2007, the court ordered a suspended imposition of sentence with five years’ supervised probation. *Id.* On June 10, 2010, the court revoked his probation and sentenced Trent to 60 days in the Department of Corrections. *Id.*
 - b. As to his misdemeanor conviction, Trent pled guilty on November 18, 2013 to Theft/Stealing (Value of Property or Service is less than \$500), in violation of § 570.030. *State v. Joshua Trent*, St. Charles Co. Cir. Ct., Case No. 1311CR02699. The court sentenced Trent to 90 days jail, with execution of the sentence suspended, two years’ supervised probation, and no trespassing at Wal-Mart. *Id.*
5. The Consumer Affairs Division’s (“Division”) further investigation revealed that Trent had numerous misdemeanor convictions that Trent did not disclose in response to Background Information Question Number 1 on his Application:
 - a. On July 18, 2006, Trent pled guilty to Property Damage Second Degree and Purchase/Attempt Purchase of Liquor by Minor in violation of § 569.120 and § 311.325. *State v. Joshua Trent*, Warren Co. Cir. Ct., Case No. 06BBCR00752. On the same day the court placed Trent on suspended imposition of sentence and two years’ supervised probation. *Id.*
 - b. On March 8, 2005, Trent pled guilty to Possession of up to 35 Grams Marijuana in violation of § 195.202. *State v. Joshua Trent*, Lincoln Co. Assoc. Cir. Ct., Case No. 04L6-CR01874. The court suspended imposition of sentence and placed Trent on two years’ probation. *Id.* On December 14, 2016, the court revoked his probation and sentenced Trent to 60 days in the Lincoln County Jail, execution of sentence suspended, two years’ supervised probation and five days shock jail confinement. *Id.*
 - c. On April 20, 2005, Trent pled guilty to Possession of up to 35 Grams Marijuana in violation of § 195.202 and Unlawful Use of Drug Paraphernalia in violation of § 195.233. *State v. Joshua Dean Trent*,

² This and all criminal statutory citations are to that version of the Revised Statutes of Missouri in effect at the time of the offense.

Warren Co. Cir. Ct., Case No. 04A8CR01250. On both counts, the court ordered imposition of sentence suspended and two years' supervised probation. *Id.* On May 14, 2007, the court revoked his probation and sentenced Trent to six months' jail, execution of sentence suspended, and two years' supervised probation. *Id.* On April 26, 2010, the court revoked Trent's probation and sentenced Trent to six months' in jail. *Id.*

- d. On June 20, 2006, Trent pled guilty to a Peace Disturbance, 1st Offense, in violation of § 574.010. *State v. Joshua D. Trent*, Warren Co. Cir. Ct., Case No. 05A8-CR01473. The court ordered imposition of sentence suspended, two years' supervised probation, for Trent to pay restitution, and attend and complete an Anger Management class. *Id.* On May 14, 2007, the court revoked his probation and sentenced Trent to six months' jail, execution of sentence suspended, and two years' supervised probation. *Id.* On April 14, 2008, the court revoked Trent's probation and ordered six months in jail. *Id.*
 - e. On May 12, 2010, Trent pled guilty to Possession of up to 35 Grams Marijuana, in violation of § 195.202. *State v. Joshua Trent*, Lincoln Co. Cir. Ct., Case No. 09L6-CR01794. On the same day, the court sentenced Trent to 60 days in the Lincoln County Jail with credit for time served in the Warren County Jail. *Id.*
 - f. On May 21, 2013, Trent pled guilty to Possession of up to 35 Grams Marijuana and Unlawful Use of Drug Paraphernalia, in violation of § 195.202 and § 195.233. *State v. Joshua Dean Trent*, Lincoln Co. Assoc. Cir. Ct., Case No. 12L6-CR00984. On May 21, 2013, the court ordered 14 days in the county jail on each count to run concurrently. *Id.*
6. After reviewing Trent's Application and his criminal record, Division Special Investigator Sheri Sloan ("Sloan") sent an inquiry letter via U.S. Mail to the address provided on Trent's Application, dated April 12, 2018, asking Trent to provide certified court documents regarding his other criminal convictions and informing him that page four (4) of the court records regarding the felony was missing. The letter instructed Trent to provide the court documents and the missing page four (4). Sloan indicated that "[p]ursuant to 20 CSR 100-4.100, your response is due within twenty (20) days. Failure to respond could result in disciplinary action."
 7. On April 19, 2018 Trent called the Division again and asked for a 20 day extension to provide the information requested in the inquiry letter. Sloan sent an email to Trent granting the extension and Trent verbally confirmed receipt of it while on the phone.
 8. Division Special Investigator Andrew Engler ("Engler") sent another inquiry letter to Trent via U.S. Mail on July 3, 2018 to the address provided on the Application requesting Trent to provide a statement explaining the circumstances surrounding his "Possession of up to 35 Grams of Marijuana," his "Peace Disturbance" and "Unlawful Use of Drug Paraphernalia" convictions and why he failed to disclose them on his Application. Engler

indicated that “[p]ursuant to 20 CSR 100-4.100, your response is due within twenty days. Failure to respond could result in a refusal to issue your MVESC license.”

9. Engler sent a third inquiry letter to Trent via U.S. mail, on October 22, 2018, to the address provided by Trent on his Application. Engler asked for an explanation as to why Trent failed to disclose his misdemeanor convictions. Engler requested a response within twenty days and indicated that “[f]ailure to respond could result in an administrative action.”
10. The United States Postal Service did not return Sloan’s April 12, 2018 inquiry letter to the Division as undeliverable and it is presumed received.
11. The United States Postal Service did not return Engler’s July 3, 2018 inquiry letter to the Division as undeliverable and it is presumed received.
12. The United States Postal Service did not return Engler’s October 22, 2018 inquiry letter to the address provided by Trent on his Application to the Division as undeliverable and it is presumed received.
13. Trent did not respond timely or at all to the Division’s April 12, 2018, July 3, 2018 or October 22, 2018 inquiry letters, and he did not demonstrate reasonable justification for delay.
14. It is inferable that Trent failed to disclose his six (6) other misdemeanor convictions on his Application in the hopes that the Director would look more favorably upon his Application and issue a license to him.

CONCLUSIONS OF LAW

15. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course of the mails. *Hughes v. Estes*, 793 S.W.2d 206, 209 (Mo. App. S.D. 1990).
16. 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.

17. 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:

* * *

(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; [or]

* * *

(5) Been convicted of any felony[.]

18. The Director may refuse to issue a motor vehicle extended service contract producer license to Trent under § 385.209.1(2) because Trent violated 20 CSR 100-4.100(2)(A) in that Trent failed to respond to three written inquiries from the Division from April 12, 2018, July 3, 2018 and October 22, 2018 and Trent failed to demonstrate reasonable justification for any delay.
19. Each violation of 20 CSR 100-4.100(2)(A) constitutes a separate and sufficient ground for the Director to refuse to issue a motor vehicle extended service contract producer license to Trent under § 385.209.1(2).
20. The Director may refuse to issue a motor vehicle extended service contract producer license to Trent under § 385.209.1(3) because Trent attempted to obtain a license through material misrepresentation or fraud because while he disclosed on his Application his 2006 felony from Lincoln County, *State v. Joshua D. Trent*, Lincoln Co. Cir. Ct., Case No. 06L6-CR01286-01, and one misdemeanor conviction from St. Charles County in 2013, *State v. Joshua Trent*, St. Charles Co. Cir. Ct., Case No. 1311-CR02699, he failed to disclose six other misdemeanor convictions: *State v. Joshua Trent*, Warren Co. Cir. Ct., Case No. 06BB-CR00752, *State v. Joshua Trent*, Lincoln Co. Assoc. Cir. Ct., Case No. 04L6-CR01874, *State v. Joshua Dean Trent*, Warren Co. Cir. Ct., Case No. 04A8CR01250, *State v. Joshua D. Trent*, Warren Co. Cir. Ct., Case No. 05A8-CR01473, *State v. Joshua Trent*, Lincoln Co. Cir. Ct., Case No. 09L6-CR01794, and *State v. Joshua Dean Trent*, Lincoln Co. Assoc. Cir. Ct., Case No. 12L6-CR00984.
21. The Director may refuse to issue a motor vehicle extended service contract producer license to Trent under § 385.209.1(5) because Trent has been convicted of a felony, Receiving Stolen Property, a Class C Felony, in violation of § 570.080. *State v. Joshua D. Trent*, Lincoln Co. Cir. Ct., Case No. 06L6-CR01286-01.
22. The above-described instances are grounds upon which the Director may refuse to issue Trent a motor vehicle extended service contract producer license.
23. Accordingly, and for all of the reasons given in this Petition, the Director has considered Trent's history and all of the circumstances surrounding Trent's Application and exercises

her discretion to refuse to issue Trent a motor vehicle extended service contract producer license.

24. This Order is in the public interest.

ORDER

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

SO ORDERED.

WITNESS MY HAND THIS 19th DAY OF February, 2020.



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.

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 2020, 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:

Joshua Trent
203 Caslon Dr. Apt. 11
O'Fallon, Missouri 63366

Tracking No. 1Z0R15W84292282859



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