



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

JASEN A. DENISTON,

Applicant.

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Case No. 195888

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

On November 12, 2013, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract (MVESC) producer license to Jasen A. Deniston. 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. Jasen A. Deniston ("Deniston") is a Missouri resident with a residential address of record of 1201 Boone Street, Troy, Missouri, 63379.
2. On March 4, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Deniston's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. By signing the Application, Deniston attested and certified that "all of the information submitted in this application and attachments is true and complete."
4. Background Question No. 1 of the Application asks the following:

Have you ever been convicted of a crime, had a judgement 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 judgement 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 judgement[.]

5. Deniston answered “Yes” to Question No. 1.
6. With his Application, Deniston included a response to a Request for Criminal Record Check from the St. Charles County Sheriff’s Department. That document, along with further investigation by the Consumer Affairs Division, revealed that, in the St. Charles County Circuit Court, Deniston:
 - a. On July 2, 1997, pleaded guilty to the Class A Misdemeanor of Assault in the Third Degree, a violation of § 565.070.¹ The court suspended the imposition of sentence and placed Deniston on two years’ probation. On February 23, 2000, after the third time Deniston had violated his probation, the court revoked Deniston’s probation and sentenced Deniston to 120 days in the custody of the St. Charles County Sheriff, to be served concurrently with the sentences in CR197-2163M, CR198-640M, CR198-837M, and CR199-0731M;²
 - b. On January 9, 1998, pleaded guilty to the Class B Misdemeanor of Peace Disturbance, a violation of § 574.010. The court sentenced Deniston to six months’ confinement in the St. Charles County Detention Center, but suspended execution of the sentence and placed Deniston on two years’ probation. On February 23, 2000, the court revoked Deniston’s probation and sentenced Deniston to 120 days in the custody of the St. Charles County Sheriff, to be served concurrently with the sentences in CR197-200M, CR198-640M, CR198-837M, and CR199-0731M;³

¹ All references to criminal statutes are to those contained in the version of the Revised Statutes of Missouri under which each judgment was rendered.

² *State of Missouri v. Jason Allen Deniston*, St. Charles Co. Cir. Ct., No. CR197-200M (Case.net No. 11R019700200) (the misspelling of Deniston’s first name appears in the court records but is corrected in the style of the Case.net entry).

³ *State of Missouri v. Jasen A. Deniston*, St. Charles Co. Cir. Ct., No. CR197-2163M (Case.net No. 11R019702163).

- c. On June 25, 1998, pleaded guilty to the Class A Misdemeanor of Assault in the Third Degree, a violation of § 565.070. The court sentenced Deniston to one year's confinement in the St. Charles County Detention Center, but suspended execution of the sentence and placed Deniston on two years' probation. On February 23, 2000, the court revoked Deniston's probation and sentenced Deniston to 120 days in the custody of the St. Charles County Sheriff, to be served concurrently with the sentences in CR197-200M, CR197-2163M, CR198-837M, and CR199-0731M;⁴
 - d. On June 25, 1998, also pleaded guilty to another count of Class A Misdemeanor of Assault in the Third Degree, a violation of § 565.070, and to the Class A Misdemeanor of Stealing, a violation of § 570.030. The court sentenced Deniston to one year's confinement in the St. Charles County Detention Center, but suspended execution of the sentence and placed Deniston on two years' probation. On February 23, 2000, the court revoked Deniston's probation and sentenced Deniston to 120 days in the custody of the St. Charles County Sheriff, to be served concurrently with the sentences in CR197-200M, CR197-2163M, CR198-640M and CR199-0731M;⁵
 - e. On February 23, 2000, pleaded guilty to the Class A Misdemeanor of Leaving the Scene of a Motor Vehicle Accident, a violation of § 577.060. The court sentenced Deniston to 120 days' confinement in the St. Charles County Detention Center, to be served concurrently with the sentences in CR197-200M, CR197-2163M, CR198-640M, and CR198-837M.⁶
 - f. On September 30, 2005, pleaded guilty to the Class B Felony of Robbery in the Second Degree, a violation of § 569.030. The court sentenced Deniston to six (6) years' imprisonment in the custody of the Missouri Department of Corrections. On February 3, 2006, the court released Deniston from custody on five years' probation. On February 3, 2011, Deniston was discharged from probation.⁷
7. With his Application, Deniston included an unsigned written statement. Upon request by the Department, on March 18, 2013, Deniston provided a signed written statement that read, verbatim in its entirety:

Back in 2004, I Jasen Deniston was at a party with some friends. There was a guy by the name of Jhon with me, and he got into a fight with another guy. I tryed to break it up when I was hit so I took the guy to the

⁴ *State of Missouri v. Jasen A. Deniston*, St. Charles Co. Cir. Ct., No. CR198-640M (Case.net No. 11R019800640).

⁵ *State of Missouri v. Jasen A. Deniston*, St. Charles Co. Cir. Ct., No. CR198-837M (Case.net No. 11R019800837).

⁶ *State of Missouri v. Jasen A. Deniston*, St. Charles Co. Cir. Ct., No. CR199-0731M (Case.net No. 11R019900731).

⁷ *State of Missouri v. Jasen Allen Deniston*, St. Charles Co. Cir. Ct., No. 04CR131046-01.

ground to try to and calm him down when that took place Jhon took the guy's coat and there was \$50.00 inside of it, the police were called by standbys. Jhon already was in my truck so I thought it would be smart to leave. In that time I was pulled over by the police and they arrested both of us. It took a yr to finally go to court. At that time I was put on 5 years probation. I completed my probation with no problems and havent had anything happen since. I should of never been put in that predicament I was young.

8. The Consumer Affairs Division's investigation of Deniston's Application revealed that on June 28, 2001, Deniston had also pleaded guilty in the Lincoln County Circuit Court to the Class A Misdemeanor of Domestic Assault in the Third Degree, a violation of § 565.074. The court suspended the imposition of sentence and placed Deniston on probation. On December 16, 2003, the court revoked Deniston's probation, sentenced him to four (4) days' shock incarceration, and placed him on a new term of probation. On May 10, 2005, the court again revoked Deniston's probation and sentenced him to six (6) months' confinement in jail.⁸
9. It is inferable, and is hereby found as fact, that Deniston failed to disclose his Domestic Assault in the Third Degree conviction in his Application in order to diminish the apparent extent of his criminal history to the Director, and, accordingly, in order to improve the chances that the Director would approve his Application and issue him an MVESC producer license.
10. Background Question No. 4 of the Application asked the following:

Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement?

If you answer yes, identify the jurisdiction(s): _____
11. Deniston answered "No" to Background Question No. 4, and did not disclose any tax delinquencies elsewhere in his Application.
12. Contrary to Deniston's answer to Background Question No. 4, Deniston had a delinquent Missouri state tax obligations of which he had been notified:
 - a. On March 8, 2010, the Director of the Missouri Department of Revenue filed a Certificate of Tax Lien – Individual Income Tax in the St. Charles County Circuit Court, certifying that Deniston, jointly with his wife, owed \$353.09 in delinquent taxes for tax year 2007, interest and penalties, which, upon filing, became the judgment of the court under § 143.902. The judgment remains unsatisfied.⁹

⁸ *State of Missouri v. Jasen A. Deniston*, Lincoln Co. Cir. Ct., No. 45R010100110.

⁹ *Department of Revenue v. Michelle K. Deniston and Jasen Allen Deniston*, St. Charles Co. Cir. Ct., No. 1011-MC00801.

13. It is inferable, and hereby found as fact, that Deniston falsely answered "No" to Background Question No. 4 in order to misrepresent to the Director that he had no tax delinquencies and, accordingly, in order to improve the chances that the Director would approve his Application and issue him an MVESC producer license.
14. On May 31, 2013, the Director of the Missouri Department of Revenue filed a Certificate of Tax Lien – Individual Income Tax in the St. Charles County Circuit Court, certifying that Deniston owed \$53,815.37 in delinquent taxes for tax year 2008, interest and penalties, which, upon filing, became the judgment of the court under § 143.902. The judgment remains unsatisfied. It is not clear whether Deniston was notified of this delinquency before he answered Question No. 4 and submitted his Application.¹⁰
15. Background Question No. 7 of the Application asks the following:
 7. Do you have a child support obligation in arrearage?
If you answer yes:
 - a) by how many months are you in arrearage? _____ months
 - b) are you currently subject to and in compliance with any repayment agreement?
 - c) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)
16. Deniston answered "No" to Background Question No. 7, and did not disclose any child support arrearage elsewhere in his Application.
17. Contrary to Deniston's answer to Background Question No. 7, as of the date of the Application Deniston owed \$13,482.79 in child support arrearages:
 - a. On July 3, 2008, the Warren County Circuit Court entered an Order and Judgment ordering Deniston to reimburse the Family Support Division of the Missouri Department of Social Services for support provided to minor children in the amount of \$840.00 and for costs in the amount of \$147.00. The judgment has not been satisfied.¹¹
 - b. On May 10, 2011, the St. Charles County Circuit Court ordered Deniston to pay child support in the amount of \$500.00 per month.¹²
 - c. In the same case, on August 16, 2011, the St. Charles County Circuit Court entered a Judgment on Dissolution in which it ordered Deniston to pay \$550.00 per month for child support, and further ordering Deniston to pay \$100.00 per

¹⁰ *Director of Revenue v. Jasen A. Deniston*, St. Charles Co. Cir. Ct., No. 1311-MC02271.

¹¹ *J.A.D. by Natasha Blair v. Jasen Deniston*, Warren Co. Cir. Ct., No. 08BB-DR00002.

¹² *Michelle Deniston v. Jasen Deniston*, St. Charles Co. Cir. Ct., No. 1011-FC04258.

month on an outstanding arrearage of \$4,238.00. As of the date of the Application, Deniston's total arrearage on this obligation was \$12,642.79.¹³

18. On May 23, 2013, Consumer Affairs Division investigator Dennis Fitzpatrick mailed a written inquiry to Deniston, requesting an explanation of the circumstances of Deniston's undisclosed Domestic Assault conviction, his tax delinquency in *Department of Revenue v. Michelle K. Deniston and Jasen Allen Deniston*, St. Charles Co. Cir. Ct., No. 1011-MC00801 and his child support arrearage.
19. In a written response dated June 11, 2013, Deniston explained the Domestic Assault incident as an act of self-defense that nevertheless resulted in his being charged because of "hand prints on [the victim's] wrist" and further stated, "I was given probation for one year, which I completed without issue." Deniston explained the tax delinquency for tax year 2007 as a result of not having that return filed by H&R Block and further stated, "I have filed taxes for all other years." Deniston also stated that he had been previously unaware of his child support obligation.
20. It is inferable, and hereby found as fact, that Deniston falsely stated in his June 11, 2013 written response that he "was given probation for one year, which [he] completed without issue" in order to diminish the apparent extent of his criminal history and to create a false impression of contrition and rehabilitation and, accordingly, to improve the chances that the Director would approve his Application and issue him an MVESC producer license.
21. It is inferable, and hereby found as fact, that Deniston falsely stated in his June 11, 2013 written response that he had "filed taxes for all other years" besides tax year 2007 in order to misrepresent and minimize the extent of his tax delinquencies to the Director and, accordingly, to improve the chances that the Director would approve his Application and issue him an MVESC producer license.

CONCLUSIONS OF LAW

22. Section 385.209 RSMo, Supp. 2012, 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;

¹³ *Id.*

* * *

(5) Been convicted of any felony;

* * *

(12) Failed to comply with an administrative or court order imposing a child support obligation;

(13) Failed to comply with any administrative or court order directing payment of state or federal income tax[.]

23. 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.
24. The Director may refuse to issue an MVESC producer license to Deniston under § 385.209.1(5) because Deniston has been convicted of a felony:
- a. Robbery in the Second Degree, a Class B Felony in violation of § 569.030.¹⁴
25. The Director may refuse to issue an MVESC producer license to Deniston under § 385.209.1(3) because Deniston attempted to obtain an MVESC producer license through material misrepresentation or fraud. Each of the following is a separate and sufficient factual basis for finding cause to refuse to issue Deniston an MVESC producer license under § 385.209.1(3):
- a. Deniston failed to disclose his conviction for Domestic Assault in the Third Degree in order to diminish the apparent extent of his criminal history to the Director and, accordingly, in order to improve the chances that the Director would approve his Application and issue him an MVESC producer license;
- b. In his March 18, 2013 signed written statement, Deniston, referring to his Robbery in the Second Degree conviction, falsely stated that "I completed my probation without issue." In fact, Deniston's probation was revoked and he was sentenced to 120 days in county jail;
- c. Deniston falsely answered "No" to Background Question No. 4, and failed to disclose his delinquent tax obligation for tax year 2007 in his Application, in order to misrepresent to the Director that he had no tax delinquencies and, accordingly, in order to improve the chances that the Director would approve his Application and issue him an MVESC producer license;

¹⁴ *State of Missouri v. Jasen Allen Deniston*, St. Charles Co. Cir. Ct., No. 04CR131046-01.

- d. Deniston falsely stated in his June 11, 2013 response to an inquiry from the Consumer Affairs Division that as a result of his guilty plea to Domestic Assault in the Third Degree he “was given probation for one year, which [he] completed without issue” when, in fact, the Lincoln County Circuit Court revoked Deniston’s probation twice and sentenced him to six (6) months’ confinement in county jail. Deniston made this false statement in order to diminish the apparent extent of his criminal history and to create a false impression of contrition and rehabilitation and, accordingly, to improve the chances that the Director would approve his Application and issue him an MVESC producer license;
 - e. Deniston falsely stated in his June 11, 2013 response to an inquiry from the Consumer Affairs Division that he had “filed taxes for all other years” besides tax year 2007. In fact, Deniston owed delinquent taxes for tax year 2008, and in a far greater amount than for tax year 2007. Deniston made this false statement in order to misrepresent and minimize the extent of his tax delinquencies to the Director and, accordingly, to improve the chances that the Director would approve his Application and issue him an MVESC producer license.
26. The Director also may refuse to issue Deniston an MVESC producer license under § 385.209.1(12) because Deniston has failed to comply with administrative and court orders imposing a child support obligation in *J.A.D. by Natasha Blair v. Jasen Deniston*, Warren Co. Cir. Ct., No. 08BB-DR00002:
- a. On July 3, 2008, the Warren County Circuit Court entered an Order and Judgment ordering Deniston to reimburse the Family Support Division of the Missouri Department of Social Services for support provided to minor children in the amount of \$840.00 and for costs in the amount of \$147.00. The judgment remains unsatisfied.
 - b. Since the Order and Judgment imposing a child support obligation remains unsatisfied, Deniston has failed to comply with its order imposing a child support obligation.
27. The Director also may refuse to issue Deniston an MVESC producer license under § 385.209.1(12) because Deniston has failed to comply with court orders imposing a child support obligation in *Michelle Deniston v. Jasen Deniston*, St. Charles Co. Cir. Ct., No. 1011-FC04258:
- a. On May 10, 2011, the St. Charles County Circuit Court ordered Deniston to pay child support in the amount of \$500.00 per month.
 - b. In the same case, on August 16, 2011, the St. Charles County Circuit Court entered a Judgment on Dissolution in which it ordered Deniston to pay \$550.00 per month for child support, and further ordered Deniston to pay \$100.00 per month on an outstanding arrearage of \$4,238.00. As of the date of the

Application, Deniston's total arrearage on this obligation was \$12,642.79.

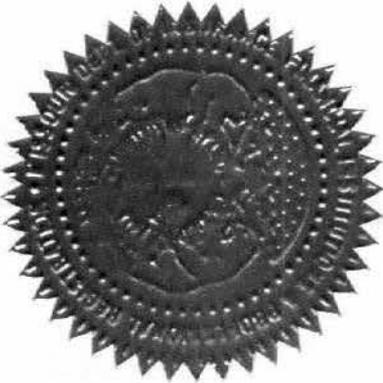
- c. Since Deniston's allowed his child support obligation to fall into arrears, he failed to comply with the court orders imposing that child support obligation.
28. The Director also may refuse to issue Deniston an MVESC producer license under § 385.209.1(13) because Deniston has failed to comply with administrative and court orders directing payment of state income tax. On March 8, 2010, the Director of the Missouri Department of Revenue filed a Certificate of Tax Lien – Individual Income Tax in the St. Charles County Circuit Court, certifying that Deniston, jointly with his then-wife, owed \$353.09 in delinquent taxes for tax year 2007, interest and penalties, which, upon filing, became the judgment of the court under § 143.902. The judgment remains unsatisfied and, accordingly, Deniston has failed to comply with its order directing payment of state income tax.
29. The Director also may refuse to issue Deniston an MVESC producer license under § 385.209.1(13) because Deniston has failed to comply with administrative and courts order directing payment of a second state income tax. On May 31, 2013, the Director of the Missouri Department of Revenue filed a Certificate of Tax Lien – Individual Income Tax in the St. Charles County Circuit Court, certifying that Deniston owed \$53,815.37 in delinquent taxes for tax year 2008, interest and penalties, which, upon filing, became the judgment of the court under § 143.902. The judgment remains unsatisfied and, accordingly, Deniston has failed to comply with its order directing payment of state income tax.
30. The Director has considered Deniston's history and all of the circumstances surrounding Deniston's Application. Granting Deniston an MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a MVESC producer license to Deniston.
31. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Jasen A. Deniston** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 19TH DAY OF NOVEMBER, 2013.




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 21st day of November, 2013, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following addresses:

Jasen A. Deniston
1201 Boone Street
Troy, Missouri 63379

Certified No. 7009 3410 0001 9255 0530



Angie Gross
Senior Office Support Assistant
Investigations Section
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
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