



State of Missouri
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
JUSTIN MICHAEL YOUNG,) **Case No. 161011443C**
)
Applicant.)

ORDER REFUSING TO ISSUE MOTOR VEHICLE
EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On April 18, 2017, 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 Justin Michael Young. After reviewing the Petition, Investigative Report, and supporting documentation, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Justin Michael Young ("Young") is a Missouri resident with a residential address of 416 Palermo Drive, Ballwin, Missouri 63021.
2. On July 1, 2016, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Young's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. On June 14, 2016, Young was charged with Stealing Over \$500.00, a Class C Felony, in violation of § 570.030 RSMo.¹ The Probable Cause Statement alleged, in relevant part:

[Young] worked as a manager of the AT&T store at 14321 Manchester Road in Manchester. An internal investigation by the business determined that [Young] had stolen money from the store's cash deposits and had also misappropriated numerous mobile phones and other merchandise. During the course of the investigation [Young] abruptly stopped reporting to work. The investigation determined that [Young] had stolen more than \$17,000 in cash and several thousand dollars' worth of merchandise. [Young] was arrested several months after the completion of the investigation. He admitted stealing from the store, saying he had stolen

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

approximately \$3,000 in cash and an unspecified number of mobile phones.

State of Missouri v. Justin Michael Young, St. Louis Co. Cir. Ct., Case No. 16SL-CR04398-01.

4. On the Employment History Section of the Application, Young disclosed that he worked at an AT&T store from July 2012 to October 2015 as store manager.
5. On October 6, 2016, the Complaint was amended to a charge of Receiving Stolen Property, a Class C Felony, in violation of § 570.080 RSMo. On March 10, 2017, Young pled guilty to Receiving Stolen Property; the court suspended the imposition of sentence, placed Young on five (5) years' probation, ordered restitution to be paid, and ordered Young to refrain from contacting the victim, his former employer. *Id.*
6. On July 6, 2016, the Consumer Affairs Division ("Division") sent an inquiry letter to Young, requesting additional documentation and information about the criminal charges against him. The inquiry letter further requested a response within twenty (20) days, and warned Young that a failure to respond could result in the Department refusing to issue him a motor vehicle extended service contract ("MVESC") producer license.
7. The United States Postal Service did not return the July 6, 2016 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Young.
8. Young failed to provide a response to the Division's July 6, 2016 inquiry letter, and failed to demonstrate a reasonable justification for the delay.
9. On July 28, 2016, the Division sent a second inquiry letter to Young asking for the same information requested in the July 6, 2016 inquiry letter. The second inquiry letter requested a response within twenty (20) days, and warned Young that a failure to respond could result in the Department refusing to issue him a MVESC producer license.
10. The United States Postal Service did not return the July 28, 2016 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Young.
11. Young failed to provide a response to the Division's July 28, 2016 inquiry letter, and failed to demonstrate a reasonable justification for the delay.

CONCLUSIONS OF LAW

12. Section 385.209 RSMo (Supp. 2013)² provides, in part:

² All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise noted.

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:

* * *

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

* * *

- (4) Misappropriated or converted any moneys or properties received in the course of doing business; [or]

* * *

- (6) Used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere[.]

13. 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.

14. "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. 2000) (internal citations omitted).
15. The Director may refuse to issue a MVESC producer license to Young pursuant to § 385.209.1(2) because Young failed to respond to two (2) inquiry letters from the Division and failed to demonstrate a reasonable justification for the delays, thereby twice violating 20 CSR 100-4.100(2)(A), a rule of the Director.
16. Each violation of a rule of the Director is a separate and sufficient ground for refusal pursuant to § 385.209.1(2).

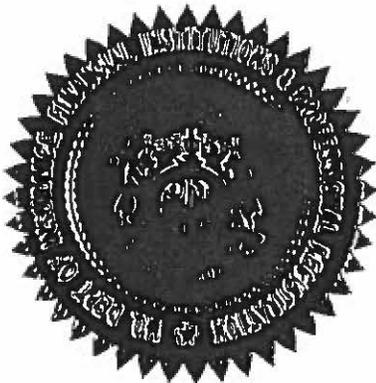
17. The Director has grounds to refuse to issue a MVESC producer license to Young pursuant to § 385.209.1(4) because Young misappropriated or converted monies or properties received in the course of doing business when he “misappropriated numerous mobile phones and other merchandise” and stole money from cash deposits received in the course of doing business as store manager of AT&T. *State of Missouri v. Justin Michael Young*, St. Louis Co. Cir. Ct., Case No. 16SL-CR04398-01.
18. The Director has grounds to refuse to issue a MVESC producer license to Young pursuant to § 385.209.1(6) because Young used fraudulent, coercive, or dishonest practices, or demonstrated untrustworthiness, or financial irresponsibility in the conduct of business when, while serving as store manager of AT&T, he “misappropriated numerous mobile phones and other merchandise” and stole money from cash deposits received. *State of Missouri v. Justin Michael Young*, St. Louis Co. Cir. Ct., Case No. 16SL-CR04398-01.
19. The Director has considered Young’s history and all of the circumstances surrounding Young’s Application. Issuing Young a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion and refuses to issue Young a MVESC producer license.
20. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Justin Michael Young** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 24 DAY OF July, 2017.



Chlora Lindley Myers

CHLORA LINDLEY-MYERS, Director
Missouri Department of Insurance,
Financial Institutions and Professional Registration

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.

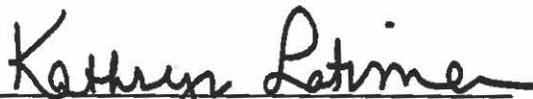
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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Justin Michael Young
416 Palermo Drive
Ballwin, Missouri 63021

No. 1Z0R15W84293548801



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