

State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

In Re:)
)
JESSE THOMAS HILLMANN,) **Case No. 170418254C**
)
Applicant.)

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

On July 5, 2017, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse to issue a motor vehicle extended service contract producer license to Jesse Thomas Hillmann. After reviewing the Petition, Investigative Report, and additional records, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Jesse Thomas Hillmann ("Hillmann") is a Missouri resident with a residential and mailing address of 603 Thompson Pass Lane, Wentzville, Missouri 63385.
2. On February 23, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Hillmann'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.

* * *

5. I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have a child support obligation that is in arrears, I am in compliance with a repayment plan to cure the arrears, and I have provided all information and documentation requested in Background Information Question [7].
4. Hillmann accepted the "Applicant's Certification and Attestation" section of the Application under oath before a notary public on February 20, 2017.
5. Background Question No. 7 of the Application asked the following:

Do you currently have or have you had a child support obligation?

If you answer yes:

 - a) Are you in arrearage?
 - b) By how many months are you in arrearage?
 - c) What is the total amount of your arrearage?
 - d) Are you currently subject to a repayment agreement to cure the arrearage? (If you answer yes, provide documentation showing an approved repayment plan from the appropriate state child support agency.)
 - e) Are you in compliance with said repayment agreement? (If you answer yes, provide documentation showing proof of current payments from the appropriate state child support agency.)
 - f) 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.)
 - g) Have you ever been convicted of a misdemeanor or felony for failure to pay child support?
6. Hillmann answered "No" in response to Background Question No. 7 of his Application.
7. Contrary to Hillmann's certification and response to Background Question No. 7, an investigation by the Consumer Affairs Division ("Division") of the Department revealed the following administrative and court orders imposing a child support obligation which Hillmann failed to disclose:
 - a. On March 8, 2011, the Family Support Division of the Department of Social Services filed an Order in the Circuit Court of St. Charles County establishing a child support obligation requiring Hillmann to pay \$261.00 per month to the Family Support Payment Center beginning March 15, 2011, for the support of one

child.¹ *Megan E. Blevins v. Jesse T. Hillmann*, St. Charles Co. Cir. Ct., IV-D Case No. 91316542, Ct. Order No. 1111-MC01646 (“Administrative Order”).

- b. On September 19, 2014, a Judgment and Order was entered in the Circuit Court of St. Charles County obligating Hillmann to pay \$333.00 per month to Megan E. Blevins beginning October 1, 2014, for the support of a one child and finding that Hillmann owed \$22,644.00 “as and for back child support.”² *Jesse T. Hillmann v. Megan E. Blevins*, St. Charles Co. Cir. Ct., IV-D Case No. 91316542, Case No. 1311-FC01283 (“Judicial Order”).
8. Based upon records provided by the Family Support Division, Hillmann owes \$10,448.41 outstanding child support which accrued pursuant to the Administrative Order, effective March 15, 2011, to September 30, 2014. *Megan E. Blevins v. Jesse T. Hillmann*, St. Charles Co. Cir. Ct., IV-D Case No. 91316542, Ct. Order No. 1111-MC01646.
9. Upon information and belief, Hillmann has failed to make child support payments to Megan E. Blevins as directed by the Judicial Order, effective beginning October 1, 2014. *Jesse T. Hillmann v. Megan E. Blevins*, St. Charles Co. Cir. Ct., IV-D Case No. 91316542, Case No. 1311-FC01283.
10. Background Question No. 1 of the Application asked the following:

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?

“Crime” includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

“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, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

¹ Pursuant to § 454.490, RSMo (2000), an order of financial responsibility issued by the Director of the Department of Social Services upon filing in the proper circuit court “shall have all the force, effect, and attributes of a docketed order or decree of the circuit court[.]”

² Both the administrative and judicial orders determined Hillmann’s duty of support for the same child. Section 454.501, RSMo (2000), provides that a judicial determination of child support owed “shall supersede the director’s order as to support payments due subsequent to the entry of the order by the court[.]”

“Had a judgment withheld or differed” includes circumstances in which a guilty plea was entered and/or a finding of guilt was 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”).

Unless excluded by the language above, you must disclose convictions that have been expunged.

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

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official documentation which demonstrates the resolution of the charges or any final judgment.

11. Hillmann answered “No” in response to Background Question No. 1 of his Application.
12. Contrary to Hillmann’s response to Background Question No. 1, the Division’s investigation revealed the following criminal conviction which Hillmann failed to disclose:
 - a. On December 17, 2012, Hillmann pled guilty to and was convicted of Criminal Nonsupport, a Class A Misdemeanor in violation of § 568.040 RSMo (Supp. 2013). *State v. Jesse Thomas Hillmann*, St. Charles Co. Assoc. Cir. Ct, Case No. 1211-CR06188. The court sentenced Hillmann to serve 30 days in the St. Charles County Detention Center with credit for time served. *Id.*
13. On February 27, 2017, the Division sent an inquiry letter by first class mail to Hillmann at his address of record. The Division’s inquiry letter requested that Hillmann provide a statement explaining his failure to disclose his criminal history and child support obligation and requested Hillmann submit certified copies of relevant court records. The Division’s inquiry letter cited 20 CSR 100-4.100, notified Hillmann that his response was due within twenty days, and warned that failure to respond could result in refusal to issue Hillmann a Motor Vehicle Extended Service Contract Producer License (“MVESC”) license.
14. On or about April 3, 2017, the Department received Hillmann’s response, dated March 28, 2017. Hillmann stated verbatim, in part:

My daughter was born February 8, 2009. Her mother and I were together until early 2012. When we split up, we did not go to court or have any agreement relative to payment of child support.

In approximately mid 2012, the state of Missouri began to garnish my wages for child support. Later that year, I became unemployed, so my child support payments stopped. Sometime in late 2012, I received a letter from the state related to a warrant for my arrest due to non payment of child support. I turned myself in, plead guilty to the charges, and spent about a month in jail, then was released.

Since then, I have been employed on and off again, and the state has continued to garnish my wages for child support payments.

My failure to disclose this was an oversight on my part due to the time passed since the event occurred, and my understanding that everything was resolved when I was released from jail. In hindsight, I can see now that I should have described all of this when I submitted my application.

15. Hillmann's explanation that he understood his child support obligation "was resolved when I was released from jail" is not credible. Hillmann's response admitted that "the state has continued to garnish my wages for child support payments," indicating that he is aware he has an ongoing and effective child support obligation.
16. It is inferable, and hereby found as fact, that Hillmann failed to disclose his child support obligation and his criminal conviction for his failure to pay it in response to Background Question Nos. 1 and 7 of his Application in order to misrepresent to the Director that he had never failed to comply with an administrative or court order imposing a child support obligation and thereby improve the likelihood that the Director would issue him an MVESC producer license.

CONCLUSIONS OF LAW

17. Section 385.209 RSMo (Supp. 2013) states, in relevant 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; [or]

* * *

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

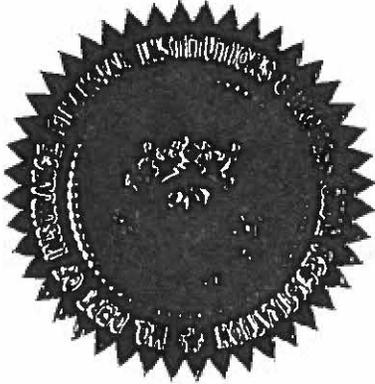
18. The Director may refuse to issue Hillmann an MVESC producer license pursuant to § 385.209.1(3) because Hillmann attempted to obtain a license through material misrepresentation or fraud when he answered “No” to Background Question Nos. 1 and 7 of his Application, and failed to disclose his child support and criminal history to the Director. Specifically, Hillmann failed to disclose:
 - a. That he was convicted of Criminal Nonsupport, a Class A Misdemeanor. *State v. Jesse Thomas Hillmann*, St. Charles Co. Assoc. Cir. Ct, Case No. 1211-CR06188.
 - b. That he currently has a child support obligation. *Jesse T. Hillmann v. Megan E. Blevins*, St. Charles Co. Cir. Ct., IV-D Case No. 91316542, Case No. 1311-FC01283.
 - c. That he has failed to comply with an administrative order imposing a child support obligation. *See, Megan E. Blevins v. Jesse T. Hillmann*, St. Charles Co. Cir. Ct., IV-D Case No. 91316542, Ct. Order No. 1111-MC01646; *State v. Jesse Thomas Hillmann*, St. Charles Co. Assoc. Cir. Ct., Case No. 1211-CR06188.
 - d. That he has failed to comply with a court order imposing a child support obligation. *Jesse T. Hillmann v. Megan E. Blevins*, St. Charles Co. Cir. Ct., IV-D Case No. 91316542, Case No. 1311-FC01283.
19. The Director may refuse to issue Hillmann an MVESC producer license pursuant to § 385.209.1(12) because Hillmann has failed to comply with an administrative or court order imposing a child support obligation. *Megan E. Blevins v. Jesse T. Hillmann*, St. Charles Co. Cir. Ct., IV-D Case No. 91316542, Ct. Order No. 1111-MC01; *State v. Jesse Thomas Hillmann*, St. Charles Co. Assoc. Cir. Ct., Case No. 1211-CR06188; *Jesse T. Hillmann v. Megan E. Blevins*, St. Charles Co. Cir. Ct., IV-D Case No. 91316542, Case No. 1311-FC01283.
20. The Director has considered Hillmann’s history and all of the circumstances surrounding his Application, and exercises her discretion to refuse to issue Hillmann an MVESC producer license.
21. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that Jesse Thomas Hillmann's Motor Vehicle Extended Service Contract producer license application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 07th DAY OF July, 2017.



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.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, to the following address:

Jesse Thomas Hillmann
603 Thompson Pass Lane,
Wentzville, Missouri 63385

Tracking No. 1Z0R15W84295419312



Kathryn Latimer

Paralegal

Missouri Department of Insurance, Financial
Institutions and Professional Registration

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Jefferson City, Missouri 65101

Telephone: 573.751.6515

Facsimile: 573.526.5492

Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of September, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, to the following address:

Jesse Thomas Hillmann
603 Thompson Pass Lane,
Wentzville, Missouri 63385

Tracking No. 1Z0R15W84298689561

A handwritten signature in black ink, appearing to read "Kathryn Latimer", is written over a horizontal line.

Kathryn Latimer

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