



FINAL ORDER
EFFECTIVE
2-24-2017

State of Missouri

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

IN RE:

JAIME MICHAEL VOIGT,

Applicant.

Case No. 160617317C

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

On December 19, 2016, the Consumer Affairs Division, through counsel, submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Jaime Michael Voigt. 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. Jaime Michael Voigt ("Voigt") is a Missouri resident with a residential and mailing address of 3 Deerpath Drive, St. Peters, Missouri 63376.
2. On December 5, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Voigt's Application for Motor Vehicle Extended Service Contract Producer License ("2011 Application").
3. The "Applicant's Certification and Attestation" section of the 2011 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.
4. Voigt accepted the "Applicant's Certification and Attestation" section by signing the 2011 Application under oath and before a notary public.

5. Background Question No. 4 of the 2011 Application asks:

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): _____

6. Voigt answered "No" in response to Background Question No. 4 on his 2011 Application.

7. Relying on Voigt's representations on his 2011 Application, the Director issued a motor vehicle extended service contract ("MVESC") producer license (License No. 8087826) to Voigt on January 1, 2012.

8. Voigt's MVESC producer license expired on December 31, 2013.

9. On February 6, 2014, the Department received Voigt's completed Application for Motor Vehicle Extended Service Contract Producer License ("2014 Application").

10. The "Applicant's Certification and Attestation" section of the 2014 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.

11. Voigt accepted the "Applicant's Certification and Attestation" section by signing the 2014 Application under oath and before a notary public.

12. Background Question No. 4 of the 2014 Application asks:

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): _____

13. Voigt answered "No" in response to Background Question No. 4 on his 2014 Application.

14. Relying on Voigt's representation on his 2014 Application, the Department reinstated Voigt's MVESC producer license on February 13, 2014.

15. Voigt's MVEESC producer license expired on February 12, 2016.
16. On March 4, 2016, the Department received Voigt's Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2016 Application").
17. The "Applicant's Certification and Attestation" section of the 2016 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.

* * *

4. I further certify, under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question [4].
18. Voigt accepted the "Applicant's Certification and Attestation" section by signing the 2016 Application under oath and before a notary public.
 19. Background Question No. 4 of the 2016 Application asks:

Have you failed to pay state or federal income tax, which has not been previously reported to this insurance department?

Have you failed to comply with an administrative or court order directing payment of state or federal income tax, which has not been previously reported to this insurance department?

Answer "Yes" if the answer to either question (or both) is "Yes."

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

- a) a written statement explaining the circumstances of each administrative or court order,
- b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.),
- c) a certified copy of each administrative or court order, judgment, and/or lien, and
- d) a certified copy of the official document which demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).

20. Voigt answered "No" in response to Background Question No. 4 on his 2016 Application.
21. Contrary to Voigt's response, during its investigation, the Consumer Affairs Division ("Division") discovered the following delinquent federal income tax obligations that Voigt failed to disclose on his 2011 Application, 2014 Application, and 2016 Application:
- a. On March 4, 2011, the Internal Revenue Service filed a Notice of Federal Tax Lien against Voigt in St. Charles County for unpaid income tax for the 2006 and 2007 filing years as follows, in part:
- [The Internal Revenue Service is] giving notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer [in the amount of \$17,788.35]. We have made a demand for payment of this liability, but it remains unpaid.
- Instrument No. 20110314000168080, Recorder of Deeds, St. Charles County.
22. In addition, during its investigation, the Division discovered the following delinquent state income tax obligations that Voigt failed to disclose on his 2014 Application and 2016 Application:
- a. On July 26, 2013, the St. Charles County Circuit Court entered a judgment against Voigt for unpaid income taxes for the 2007 and 2009 filing years as follows:
- [Department] of Revenue, under Section 143.902, RSMo, hereby certifies that the following assessment of tax, interest, additions to tax, penalties, and fees have been made and become final [in the amount of \$3,357.54]. Interest continues to accrue as provided by law until the amount of the tax liability is paid.
- Department of Revenue v. Jamie M. Voigt*, St. Charles Co. Cir. Ct., Case No. 1311-MC03459.
23. On March 9, 2016, after reviewing Voigt's Application and his delinquent tax obligations, Special Investigator Andrew Engler of the Division sent an inquiry letter to Voigt at his address of record.¹ The inquiry letter requested that Voigt provide a payment plan or a letter of compliance from the Department of Revenue. The inquiry letter further requested a response within twenty (20) days, and warned Voigt that failure to respond could result in the Director refusing to issue him a MVEESC producer license.

¹ Voigt listed 3 Deerpath Drive, St. Peters, Missouri 63376, as his residential address on his 2011, 2014, and 2016 Applications.

24. The United States Postal Service did not return the March 9, 2016 inquiry letter to the Division as undeliverable; therefore it is presumed received by Voigt.
25. Voigt failed to respond to the Division's March 9, 2016 inquiry letter and failed to demonstrate a reasonable justification for the delay.
26. On March 30, 2016, after receiving no response from Voigt, Special Investigator Andrew Engler of the Division sent a second inquiry letter to Voigt at his address of record. The inquiry letter requested the same documentation requested in the March 9, 2016 inquiry letter. The inquiry letter further requested a response within twenty (20) days, and again warned Voigt that failure to respond could result in the Director refusing to issue him a MVESC producer license.
27. The United States Postal Service did not return the March 30, 2016 inquiry letter to the Division as undeliverable; therefore it is presumed received by Voigt.
28. Voigt failed to respond to the Division's March 30, 2016 inquiry letter and failed to demonstrate a reasonable justification for the delay.
29. It is inferable, and hereby found as fact, that Voigt failed to disclose his delinquent federal income tax obligations on his 2011, 2014, and 2016 Application and his delinquent state income tax obligations on his 2014 and 2016 Applications in order to misrepresent his tax compliance to the Director, and accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.

CONCLUSIONS OF LAW

30. Section 385.209 RSMo (Supp. 2013)² 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:
 - (1) Filed an application for license in this state within the previous ten years, as of the effective date of the license, was incomplete in any material respect or contained incorrect, misleading, or untrue information;

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

(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]

* * *

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

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

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.

32. "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).
33. The Director may refuse to issue a MVESC producer license to Voigt pursuant to § 385.209.1(1) because Voigt filed an application for license in this state within the previous ten years which, as of the effective date of the license, was incomplete in a material respect or contained incorrect, misleading, or untrue information. Voigt's "No" answer to Background Question No. 4 on his 2011 Application and 2014 Application constitutes incorrect, misleading and untrue information, and rendered both Applications incomplete in material respects.
34. Each instance in which Voigt filed an application for license in this state within the previous ten years that was incomplete in a material respect or contained incorrect, misleading, or untrue information is a separate and sufficient ground for refusal pursuant to § 385.209.1(1).
35. The Director may refuse to issue a MVESC producer license to Voigt pursuant to § 385.209.1(2) because Voigt failed to respond to two (2) inquiry letters from the Division and failed to provide a reasonable justification for the delays, thereby twice violating 20 CSR 100-4.100(2)(A), a rule of the Director.

36. Each violation of a rule of the Director is a separate and sufficient ground for refusal pursuant to § 385.209.1(2).
37. The Director may refuse to issue a MVESC producer license to Voigt pursuant to § 385.209.1(3) because Voigt obtained and attempted to obtain a MVESC producer license through material misrepresentation or fraud in that he failed to disclose the following delinquent federal income tax obligations in response to Background Question No. 4 on his 2011 Application, 2014 Application, and 2016 Application:
 - a. Judgment in the amount of \$17,788.35 for unpaid federal income taxes for the 2006 and 2007 filing years. Instrument No. 20110314000168080, Recorder of Deeds, St. Charles County.
38. The Director may refuse to issue a MVESC producer license to Voigt pursuant to § 385.209.1(3) because Voigt obtained and attempted to obtain a MVESC producer license through material misrepresentation or fraud in that he failed to disclose the following delinquent state income tax obligations in response to Background Question No. 4 on his 2014 Application and 2016 Application:
 - a. Judgment in the amount of \$3,357.54 for unpaid state income taxes for the 2007 and 2009 filing years. *Department of Revenue v. Jamie M. Voigt*, St. Charles Co. Cir. Ct., Case No. 1311-MC03459.
39. Each instance in which Voigt obtained or attempted to obtain a license through material misrepresentation or fraud is a separate and sufficient ground for refusal pursuant to § 385.209.1(3).
40. The Director may refuse to issue a MVESC producer license to Voigt pursuant to § 385.209.1(13) because Voigt failed to comply with two administrative or court orders directing payment of state or federal income tax:
 - a. Judgment in the amount of \$17,788.35 for unpaid federal income taxes for the 2006 and 2007 filing years. Instrument No. 20110314000168080, Recorder of Deeds, St. Charles County.
 - b. Judgment in the amount of \$3,357.54 for unpaid state income taxes for the 2007 and 2009 filing years. *Department of Revenue v. Jamie M. Voigt*, St. Charles Co. Cir. Ct., Case No. 1311-MC03459.
41. Each instance in which Voigt failed to comply with an administrative or court order directing payment of state or federal income tax is a separate and sufficient ground for refusal pursuant to § 385.209.1(13).
42. The Director has considered Voigt's history and all of the circumstances surrounding Voigt's Application. Granting Voigt a MVESC producer license would not be in the

interest of the public. Accordingly, the Director exercises his discretion to refuse to issue a MVESC producer license to Voigt.

43. This Order is in the public interest.

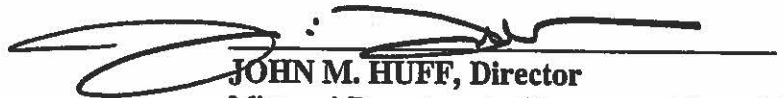
ORDER

IT IS THEREFORE ORDERED that Jaime Michael Voigt's motor vehicle extended service contract producer license application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 28th **DAY OF DECEMBER, 2016.**




JOHN M. HUFF, Director
Missouri Department of Insurance, Financial
Institutions and Professional Registration

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

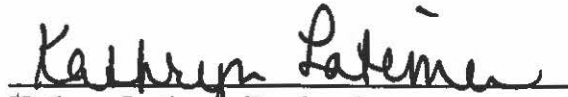
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of December 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Jaime Michael Voigt
3 Deerpath Drive
St. Peters, Missouri 63376

Tracking No. 1Z0R15W84290397551

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

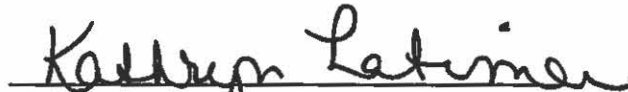
Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, Certified Mail, at the following address:

Jaime Michael Voigt
3 Deerpath Drive
St. Peters, Missouri 63376

Certified No. 7013 2250 0000 4609 6609

A handwritten signature in black ink, reading "Kathryn Latimer". The signature is written in a cursive style with a horizontal line underneath the name.

Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January 2017, 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:

Jaime Michael Voigt
3 Deerpath Drive
St. Peters, Missouri 63376


Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov