



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

**IN RE:**

**JASPER JERMAINE PRIMM, SR.,**

**Applicant.**

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**Case No. 160823400C**

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

On December 7, 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 Jasper Jermaine Primm, Sr. 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. Jasper Jermaine Primm, Sr. ("Primm") is a Missouri resident with a residential address of record of 5896 Delmar Blvd., St. Louis, Missouri 63112.
2. On May 24, 2016, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Primm'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.

\* \* \*

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 36.4.

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 36.7.
4. Primm accepted the "Applicant's Certification and Attestation" section by signing the Application under oath before a notary public.
5. Background Information Question No. 36.4 of the Application asks:

Have you failed to pay state or federal income tax?

Have you failed to comply with an administrative or court order directing payment of state or federal income tax?

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.).
6. Primm answered "No" to Background Information Question No. 36.4.
7. Contrary to Primm's sworn representation on his Application, the Consumer Affairs Division ("Division") of the Department conducted an investigation and discovered that on June 27, 2014, the St. Louis County Circuit Court entered a judgment against Primm in the amount of \$2,491.47 for unpaid Missouri individual income tax for the 2011 filing year. On October 6, 2016, a garnishment in the amount of \$1,861.14 was paid to the court. However, the judgment remains unsatisfied. *Dep't of Revenue v. Jasper J. Primm*, St. Louis Co. Cir. Ct., Case No. 14SL-MC08503.
8. On May 26, 2016, Andrew Engler, a Special Investigator with the Division ("Special Investigator Engler"), sent an inquiry letter to Primm by first-class mail, postage prepaid, that requested documentation regarding Primm's tax delinquency and advised him that

pursuant to 20 CSR 100-4.100, his response was due within twenty days and that failure to respond could result in refusal to issue a motor vehicle extended service contract ("MVESC") producer license to Primm.

9. The May 26, 2016 inquiry letter was not returned to the Division as undeliverable; therefore, Primm is presumed to have received it.
10. The Division never received any communication from Primm regarding the May 26, 2016 inquiry letter, nor did Primm demonstrate a reasonable justification for the delay.
11. On June 17, 2016, Special Investigator Engler mailed a second inquiry letter to Primm by first-class mail, postage prepaid, that asked for the same documentation previously requested in the May 26, 2016 inquiry letter. The second inquiry letter further advised Primm that pursuant to 20 CSR 100-4.100, his response was due within twenty days and that failure to respond could result in an administrative action.
12. The June 17, 2016 inquiry letter was not returned to the Division as undeliverable; therefore, Primm is presumed to have received it.
13. The Division never received any communication from Primm regarding the June 17, 2016 inquiry letter, nor did Primm demonstrate a reasonable justification for the delay.
14. It is inferable, and hereby found as fact, that Primm answered "No" to Background Information Question No. 36.4 of the Application in order to misrepresent to the Director that he had not failed to pay state income tax and, accordingly, to improve the chance that the Director would act favorably on his Application and issue Primm a MVESC producer license.
15. Background Information Question No. 36.7 of the Application asks:

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? \_\_\_\_ months
- 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?

16. In response to Background Information Question No. 36.7, Primm answered that he does have a child support obligation, but that he is not in arrearage, he is not subject to a repayment plan to cure an arrearage, he is not the subject of a child support related subpoena/warrant, and he has not been convicted of a misdemeanor or felony for failure to pay child support.
17. Contrary to Primm's sworn representation on his Application, the Division conducted an investigation and discovered that Primm's child support obligation is in arrearage. As of May 2016, when the Department received his Application, Primm owed \$18,245.83 to D.J. in child support arrears. Primm is obligated to pay \$331.00 per month in child support. As of December 2016, Primm's arrearage totals \$20,002.68. *State ex rel. v. Jasper Primm*, St. Louis Co. Cir. Ct., Case No. 2105FC-05392.
18. It is inferable, and hereby found as fact, that Primm answered "No" to the subsections of Background Information Question No. 36.7 of the Application in order to misrepresent to the Director that his child support obligation was current and not in arrearage and, accordingly, to improve the chance that the Director would act favorably on his Application and issue Primm a MVEESC producer license.

### CONCLUSIONS OF LAW

19. Section 385.209.1 RSMo (Supp. 2013)<sup>1</sup> 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;

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<sup>1</sup> All statutory references are to the 2000 Missouri Revised Statutes as updated by the 2013 RSMo Supplement, unless otherwise noted.

\* \* \*

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

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

20. 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.

21. "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. E.D. 2000) (internal citation omitted).
22. The Director may refuse to issue a MVESC producer license to Primm pursuant to § 385.209.1(2) because Primm twice violated a rule of the Director, specifically 20 CSR 100-4.100(2)(A), when he failed to mail adequate responses to two inquiry letters and failed to demonstrate reasonable justification for the delays.
23. Each violation of a rule of the Director is a separate and sufficient cause for refusal pursuant to § 385.209.1(2).
24. The Director may refuse to issue a MVESC producer license to Primm pursuant to § 385.209.1(3) because Primm attempted to obtain a MVESC producer license through material misrepresentation or fraud by his false answer to Background Information Question No. 36.4 of the Application, claiming that he had never failed to pay state income tax and never failed to comply with an administrative or court order directing payment of state income tax when, in fact, he has an outstanding judgment for the 2011 filing year. *Dep't of Revenue v. Jasper J. Primm*, St. Louis Co. Cir. Ct., Case No. 14SL-MC08503.
25. The Director may refuse to issue a MVESC producer license to Primm pursuant to § 385.209.1(3) because Primm attempted to obtain a MVESC producer license through material misrepresentation or fraud by his incomplete answer to Background Information Question No. 36.7 of the Application, claiming that he did not have a child support obligation in arrearages when, in fact, he was \$18,245.83 in arrears at the time of his

Application. *State ex rel. v. Jasper Primm*, St. Louis Co. Cir. Ct., Case No. 2105FC-05392.

26. The Director may refuse to issue a MVESC producer license to Primm pursuant to § 385.209.1(12) because Primm failed to comply with an administrative or court order imposing a child support obligation, as evidenced by the arrearage he owes in *State ex rel. v. Jasper Primm*, St. Louis Co. Cir. Ct., Case No. 2105FC-05392.
27. The Director may refuse to issue a MVESC producer license to Primm pursuant to § 385.209.1(13) because Primm has failed to comply with an administrative or court order directing payment of state income tax, as evidenced by the unsatisfied judgment against him in *Dep't of Revenue v. Jasper J. Primm*, St. Louis Co. Cir. Ct., Case No. 14SL-MC08503.
28. The Director has considered Primm's history and all of the circumstances surrounding Primm's Application. Granting Primm 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 Primm.
29. This Order is in the public interest.

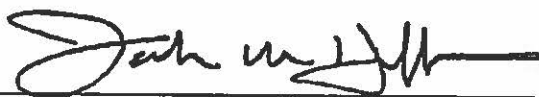
### **ORDER**

**IT IS THEREFORE ORDERED** that **Jasper Jermaine Primm, Sr.'s** motor vehicle extended service contract producer license application is hereby **REFUSED**.

**SO ORDERED.**

**WITNESS MY HAND THIS 15<sup>th</sup> 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:**

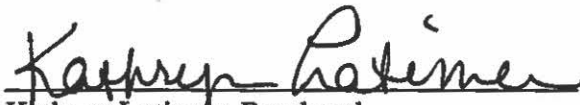
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 15th 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:

Jasper Jermaine Primm, Sr.  
5896 Delmar Blvd.  
St. Louis, Missouri 63112

Tracking No. 1Z0R15W84290094093

A handwritten signature in black ink, reading "Kathryn Latimer", 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 28th day of December 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following address:

Jasper Jermaine Primm, Sr.  
5896 Delmar Blvd.  
St. Louis, Missouri 63112

Certified No. 7013 2250 0000 4609 6579



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](mailto: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, first class mail, at the following address:

Jasper Jermaine Primm, Sr.  
5896 Delmar Blvd.  
St. Louis, Missouri 63112



Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
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