

DEPARTMENT OF COMMERCE AND INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

IN RE:

Maurice D. Jones, Jr.,

Applicant.

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Case No. 1908300947C

ORDER REFUSING TO ISSUE SURETY RECOVERY AGENT LICENSE

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance (the "Department"), takes up the above matter for consideration and disposition. 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. Maurice D. Jones, Jr. ("Jones") is a Missouri resident with a mailing address of 157 W. Velma St., St. Louis, MO 63125.
2. On April 12, 2019, the Department of Insurance, Financial Institutions and Professional Registration ("DIFP")¹ received Jones' surety recovery agent license application ("Application").
3. Question B in Part III of the Application asks, in relevant part:

Have you ever been adjudicated, convicted, pled or found guilty of any misdemeanor or felony or currently have pending misdemeanor or felony charges filed against you? Applicants are required to report all criminal cases whether or not a sentence has been imposed,

¹ The Department of Insurance, Financial Institutions and Professional Registration is the predecessor agency of the Department of Commerce and Insurance. See Executive Order 19-02.

a suspended imposition of sentence has been entered or the applicant has pled nolo contendere (no contest).

4. Jones answered "No" to Question B in Part III of the Application.
5. As a condition of submission, Jones accepted Part V of the Application, which stated, in relevant part:

I hereby certify that, under penalty of perjury, 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.

6. An investigation conducted by the Consumer Affairs Division ("Division") of DIFP revealed that Jones has pled guilty to multiple felonies. On May 15, 2014, Jones pled guilty to Robbery 2nd Degree, a Class B Felony, in violation of § 569.030, RSMo (2000). *State v Maurice Jones*, 1322-CR03761, St. Louis City Cir. Ct. On February 9, 2012, Jones pled guilty to Stealing from a Person, a Class C Felony, in violation of § 570.030, RSMo (2000). *State v. Maurice D. Jones*, 11SL-CR08952, St. Louis County Cir. Ct. On October 18, 2012, Jones pled guilty to Damage to Jail Property, a Class D Felony, in violation of § 221.353, RSMo (2000). *State v. Maurice Jones*, 12SL-CR07526, St. Louis County Cir. Ct.
7. On April 17, 2019, Special Investigator Kevin Davidson ("Davidson") with the Division sent an inquiry letter to Jones requesting a statement from Jones explaining the circumstances of the above-stated criminal cases, why he failed to disclose them on his Application, and to provide documentation of the criminal cases. The inquiry letter cited 20 CSR 100-4.100(2)(A) and informed Jones that failure to respond could be grounds for discipline. The inquiry letter was mailed to the address provided by Jones in the Application.
8. The United States Postal Service did not return the Division's April 17, 2019 inquiry letter to the Division, and therefore it is presumed received by Jones.
9. On May 15, 2019, Davidson sent a second inquiry letter to Jones again requesting a statement and documentation from Jones regarding his criminal cases. The second letter was again mailed to the address provided by Jones in the Application.
10. The United States Postal Service did not return the Division's May 15, 2019 inquiry letter to the Division, and therefore it is presumed received by Jones.
11. It is inferable and hereby found as fact that Jones failed to disclose his criminal cases in the Application in order to misrepresent to the Director that he was without any criminal history and increase the chance that the Director would exercise her discretion to issue him a surety recovery agent license.

CONCLUSIONS OF LAW

12. Section 374.784.5, RSMo (2016),² states, in relevant part:

The director may refuse to issue any license pursuant to sections 374.783 to 374.789, for any one or any combination of causes stated in section 374.787.

13. Section 374.787.1, states, in relevant part:

(1) Violation of any provisions of, or any obligations imposed by, the laws of this state, the department of insurance, financial institutions and professional registration rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules, or regulations;

(2) Final adjudication or a plea of guilty or nolo contendere in a criminal prosecution under state or federal law for a felony or a crime involving moral turpitude, whether or not a sentence is imposed [.]

14. Section 374.210.1, states, in relevant part:

1. It is unlawful for any person in any investigation, examination, inquiry, or other proceeding under this chapter, chapter 354, or chapters 375 to 385, to:

(1) Knowingly make or cause to be made a false statement upon oath or affirmation or in any record that is submitted to the director or used in any proceeding under this chapter, chapter 354, and chapters 375 to 385[.]

15. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, is a rule of the Director and 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)

² All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

16. "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).
17. The Director may refuse to issue Jones a surety recovery agent license under §§ 374.784.5 and 374.787.1(1) because he violated the laws of the state when he pled guilty to three felonies. Jones pled guilty to Robbery 2nd Degree, a Class B Felony, in violation of § 569.030, RSMo (2000). *State v. Maurice Jones*, 1322-CR03761, St. Louis City Cir. Ct. Jones pled guilty to Stealing from a Person, a Class C Felony, in violation of § 570.030, RSMo (2000). *State v. Maurice D. Jones*, 11SL-CR08952, St. Louis County Cir. Ct. Jones pled guilty to Damage to Jail Property, a Class D Felony, in violation of § 221.353, RSMo (2000). *State v. Maurice Jones*, 12SL-CR07526, St. Louis County Cir. Ct.
18. The Director may refuse to issue Jones a surety recovery agent license under §§ 374.784.5 and 374.787.1(1) because he violated a rule of the Department, specifically 20 CSR 100-4.100(2)(A), when failed to provide a response to the Division's inquiry letters regarding his criminal history.
19. The Director may refuse to issue Jones a surety recovery agent license under §§ 374.784.5 and 374.787.1(1) because he violated the laws of the state, specifically § 374.210.1(1) by knowingly making a false statement in a record submitted to the Director. Jones answered "No" to Question B in Part III of the Application when he has in fact pled guilty to three felonies. Jones pled guilty to Robbery 2nd Degree, a Class B Felony, in violation of § 569.030, RSMo (2000). *State v. Maurice Jones*, 1322-CR03761, St. Louis City Cir. Ct. Jones pled guilty to Stealing from a Person, a Class C Felony, in violation of § 570.030, RSMo (2000). *State v. Maurice D. Jones*, 11SL-CR08952, St. Louis County Cir. Ct. Jones pled guilty to Damage to Jail Property, a Class D Felony, in violation of § 221.353, RSMo (2000). *State v. Maurice Jones*, 12SL-CR07526, St. Louis County Cir. Ct.
20. The Director may refuse to issue Jones a surety recovery agent license under §§ 374.784.5 and 374.787.1(2) because he has pled guilty to three felonies. Jones pled guilty to Robbery 2nd Degree, a Class B Felony, in violation of § 569.030, RSMo (2000). *State v. Maurice Jones*, 1322-CR03761, St. Louis City Cir. Ct. Jones pled guilty to Stealing from a Person, a Class C Felony, in violation of § 570.030, RSMo (2000). *State v. Maurice D. Jones*, 11SL-CR08952, St. Louis County Cir. Ct. Jones pled guilty to Damage to Jail Property, a Class D Felony, in violation of § 221.353, RSMo (2000). *State v. Maurice Jones*, 12SL-CR07526, St. Louis County Cir. Ct.

21. The Director has considered Jones' history and all the circumstances surrounding Jones' application, and exercises her discretion to refuse to issue to Jones a surety recovery agent license.
22. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the surety recovery agent license application of **Maurice Jones, Jr.** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 19th DAY OF February, 2020.



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.

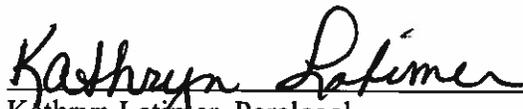
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of February, 2020, 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:

Maurice D. Jones, Jr,
157 W. Velma St.
St. Louis, MO 63125

No. 1Z0R15W84290970547



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