



STATE OF MISSOURI
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
KRYSTAL NICOLE CLAYTON,) **Case No. 160617319C**
)
Applicant.)

ORDER REFUSING TO ISSUE MOTOR VEHICLE
EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On March 14, 2017, the Division of Consumer Affairs, through counsel, submitted a Petition to the Director of the Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department") alleging cause to refuse to issue a motor vehicle extended service contract producer license to Krystal Nicole Clayton. 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. Krystal Nicole Clayton ("Clayton") is a Missouri resident with a residential address of 221-4 Casalon Drive, O'Fallon, Missouri 63366.
2. On March 1, 2016, the Department received Clayton'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. On February 25, 2016, Clayton signed the "Applicant's Certification and Attestation" section under oath before a notary public.

5. Background Question No. 1 of the Application asks:

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.

“Had a judgment withheld or deferred” 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 document which demonstrates the resolution of the charges or any final judgment.

6. Clayton answered “Yes” to Background Question No. 1 and included a written statement and court documents which revealed the following felony convictions:¹

- a. On July 31, 2006, Clayton pled guilty to Possession of Controlled Substance Except 35 Grams or Less of Marijuana (Cocaine), a Class C Felony, in violation

¹ Although not a basis for refusal, on August 5, 2016, Clayton was charged by Complaint with DWI - Alcohol - Aggravated Offender, a Class C Felony, in violation of § 577.010. On February 1, 2017, Clayton waived her right to a Preliminary Hearing and the matter was bound over for proceeding in the Circuit Court. On February 27, 2017, Clayton waived formal Arraignment. A Plea Hearing is scheduled for March 27, 2017. *State v. Krystal Nicole Clayton*, St. Charles Co. Cir. Ct., Case No. 1611-CR04227-01.

of § 195.202.² The court suspended the imposition of sentence and ordered Clayton to complete five (5) years' supervised probation. On January 5, 2009, the court revoked Clayton's probation and sentenced her to three (3) years' incarceration, but suspended the execution of the sentence and ordered her to complete five (5) years' supervised probation. *State v. Krystal Nicole Clayton*, St. Charles Co. Cir. Ct., Case No. 0511-CR05588-01.

- b. On January 8, 2010, Clayton pled guilty to DWI - Alcohol - Persistent Offender, a Class D Felony, in violation of § 577.010. On March 12, 2010, the court sentenced Clayton to three (3) years' incarceration, but suspended the execution of sentence and placed her on five (5) years' supervised probation and ordered that she serve thirty (30) days' house arrest. On May 21, 2013, the court revoked Clayton's probation and sentenced her to three (3) years' incarceration and ordered her to serve 120 days' shock incarceration. *State v. Krystal Nicole Clayton*, St. Charles Co. Cir. Ct., Case No. 0911-CR01732-01.

CONCLUSIONS OF LAW

7. Section 385.209 RSMo (Supp. 2013)³ provides, 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:

* * *

(5) Been convicted of any felony[.]

8. The Director has grounds to refuse to issue a motor vehicle extended service contract ("MVESC") producer license to Clayton pursuant to § 385.209.1(5) because Clayton has been convicted of two (2) felonies:
- a. Possession of Controlled Substance Except 35 Grams or Less of Marijuana (Cocaine), a Class C Felony. *State v. Krystal Nicole Clayton*, St. Charles Co. Cir. Ct., Case No. 0511-CR05588-01.
 - b. DWI - Alcohol - Persistent Offender, a Class D Felony. *State v. Krystal Nicole*

² All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri under which the court rendered judgment or under which Clayton was charged.

³ All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise noted.

9. Each felony conviction is a separate and sufficient ground for refusal pursuant to § 385.209.1(5).
10. The Director has considered Clayton's history and all of the circumstances surrounding Clayton's Application. Granting Clayton a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue a MVESC producer license to Clayton.
11. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that Krystal Nicole Clayton's motor vehicle extended service contract producer license application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 21 DAY OF June, 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.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of June, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Krystal Nicole Clayton
221-4 Casalon Drive
O'Fallon, Missouri 63366

Tracking No. 1ZOR15W84294014242



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 11th day of July, 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:

Krystal Nicole Clayton
221-4 Casalon Drive
O'Fallon, Missouri 63366

Certified No. 7016 1370 0001 2035 9135



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 July, 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:

Krystal Nicole Clayton
221-4 Casalon Drive
O'Fallon, Missouri 63366



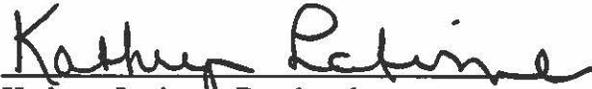
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301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Krystal Nicole Clayton
2515 Falcons Way
St. Charles, Missouri 63303

Tracking No. 1Z0R15W84295407889



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 31st day of August, 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:

Krystal Nicole Clayton
2515 Falcons Way
St. Charles, Missouri 63303


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