



**State of Missouri**

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION

IN RE: )  
 )  
 LEMAR ANTHONY HARRIS, ) Case No. 140429429C  
 )  
 Applicant. )

**ORDER REFUSING TO RENEW**  
**A MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE**

On July 30, 2014, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to renew the motor vehicle extended service contract producer license of Lemar Anthony Harris. 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. Lemar Anthony Harris ("Harris") is a Missouri resident with a residential address of record of 5285 Springtrail Drive, Black Jack, Missouri 63033.
2. On January 1, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") issued Harris a motor vehicle extended service contract ("MVESC") producer license, license number 0325944. It expired January 1, 2014.
3. On December 24, 2013, the Department received Harris's Application for Motor Vehicle Extended Service Contract Producer License Renewal ("Application").
4. The "Applicant's Certification and Attestation" section of the Application, which Harris accepted by his signature notarized December 4, 2013, provides, in relevant part:

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.

\* \* \*

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. Harris answered "No" to Background Information Question 36.4 of the Application which 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?**<sup>1</sup>

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.).

Emphasis added.

6. Contrary to Harris's response to Background Information Question 36.4 of the Application, Special Investigator Andrew P. Engler ("Special Investigator Engler"), Consumer Affairs Division ("Division"), discovered that on April 19, 2012, the St. Louis City Circuit Court entered a judgment against Harris for unpaid income tax for the 2008 tax year as follows:

The Director of Revenue, under Section 143.902, RSMo, hereby certifies that the [\$1,525.69] assessment of tax, interest, additions to tax, penalties, and fees have been made and become final.

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<sup>1</sup> Harris's initial MVESC producer license application, which the Department received on December 12, 2011, included an equivalent Background Information Question 33.4 which reads:

Have you been notified by any jurisdiction to which you are applying [i.e. Missouri] of any delinquent tax obligation that is not the subject of a repayment agreement?

If you answer yes, identify the jurisdiction(s): \_\_\_\_\_

Harris answered "Yes" and wrote "Missouri" on the line provided.

Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

*Dep't of Revenue v. Lemar A. Harris*, St. Louis City Cir. Ct., Case No. 1222-MC03973.<sup>2</sup>  
The judgment remains unsatisfied.

7. Special Investigator Engler further discovered that on February 25, 2011, the St. Louis City Circuit Court entered a judgment against Harris for unpaid income tax for the 2007 tax year as follows:

The Director of Revenue, under Section 143.902, RSMo, hereby certifies that the [\$3,896.85] assessment of tax, interest, additions to tax, penalties, and fees have been made and become final. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

*Dep't of Revenue v. Lemar A. Harris*, St. Louis City Cir. Ct., Case No. 1122-MC01452.<sup>3</sup>  
The judgment remains unsatisfied.

8. Special Investigator Engler further discovered that on June 2, 2011, the St. Louis City Circuit Court entered a judgment against Harris for unpaid income taxes for the 2004, 2005, and 2006 tax years as follows:

The Director of Revenue, under Section 143.902, RSMo, hereby certifies that the [\$14,443.07] assessment of tax, interest, additions to tax, penalties, and fees have been made and become final. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

*Dep't of Revenue v. Lemar A. Harris*, St. Louis City Cir. Ct., Case No. 1122-MC04508.<sup>4</sup>  
The judgment remains unsatisfied.

9. Harris answered "No" to Background Information Question 36.7 of the Application which asks, in relevant part:

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

10. Contrary to Harris's response to Background Information Question 36.7 of the Application, on July 25, 2001, the St. Louis County Circuit Court entered a judgment

<sup>2</sup> The judgment was entered after the date of Harris's December 12, 2011 MVESC producer license application, and therefore could not have been disclosed previously to the Department by that application.

<sup>3</sup> This judgment was presumptively disclosed by Harris's December 12, 2011 MVESC producer license application. See footnote 1, *supra*.

<sup>4</sup> This judgment was presumptively disclosed by Harris's December 12, 2011 MVESC producer license application. See footnote 1, *supra*.

including an order of child support payable by Harris, which it subsequently modified in a later judgment on November 10, 2011. *Crystal Michelle Harris v. Lemar Anthony Harris*, St. Louis Co. Cir. Ct., Case No. 2100FC-07590. See also *State ex rel. v. Lemar Anthony Harris*, St. Louis Co. Cir. Ct., Case No. 2100FC-08742 (predecessor judgment entered Sept. 1, 2000 ordering child support pursuant to administrative order filed).

11. On February 24, 2003, the St. Louis County Circuit Court entered a judgment ordering Harris to pay \$817.90 in child support arrearages. This judgment remains unsatisfied. *Crystal Michelle Harris v. Lemar Anthony Harris*, St. Louis Co. Cir. Ct., Case No. 2100FC-07590.

### CONCLUSIONS OF LAW

12. Section 385.209 RSMo. (Supp. 2013)<sup>5</sup> 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:

\* \* \*

- (3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

\* \* \*

- (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[.]

13. Title 20 CSR 100-4.100(2)(A) provides, in relevant part:

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.

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<sup>5</sup> All statutory references are to RSMo. (2000) as updated by RSMo. (Supp. 2013) unless otherwise noted.

14. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Mo. Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. E.D. 2000) (internal citation omitted).
15. Just as the principal purpose of § 375.141, the insurance producer disciplinary statute, is not to punish licensees or applicants, but to protect the public, *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984), the purpose of § 385.209 is not to punish applicants for a MVESC producer license, but to protect the public.
16. The Director may refuse to renew Harris's MVESC producer license under § 385.209.1(3) because Harris attempted to obtain a MVESC producer license through material misrepresentation or fraud. Harris falsely answered "No" to Background Information Question 36.4 of the Application and adopted by his signature Applicant's Certification and Attestation subpart 4 of the Application in order to misrepresent to the Director that he had no undisclosed delinquent tax obligations, and, accordingly, in order to improve the chances that the Director would approve the Application and renew his MVESC producer license. *Dep't of Revenue v. Lemar A. Harris*, St. Louis City Cir. Ct., Case No. 1222-MC03973.
17. The Director may refuse to renew Harris's MVESC producer license under § 385.209.1(3) because Harris attempted to obtain a MVESC producer license through material misrepresentation or fraud. Harris falsely answered "No" to Background Information Question 36.7 of the Application and failed to disclose his child support obligation in order to misrepresent to the Director that he had no child support obligations, and, accordingly, in order to improve the chances that the Director would approve the Application and renew his MVESC producer license. *See State ex rel v. Lamar Anthony Harris*, St. Louis Co. Cir. Ct., Case No. 2100FC-08742; *Crystal Michelle Harris v. Lemar Anthony Harris*, St. Louis Co. Cir. Ct., Case No. 2100FC-07590.
18. The Director may refuse to renew Harris's MVESC producer license under § 385.209.1(12) because Harris failed to comply with a February 24, 2003 court order directing him to pay a child support arrearage. *Id.*
19. The Director may refuse to renew Harris's MVESC producer license under § 385.209.1(13) because Harris failed to comply with three administrative or court orders directing payment of state income taxes, to wit:
  - a. *Dep't of Revenue v. Lemar A. Harris*, St. Louis City Cir. Ct., Case No. 1122-MC01452.
  - b. *Dep't of Revenue v. Lemar A. Harris*, St. Louis City Cir. Ct., Case No. 1122-MC04508.
  - c. *Dep't of Revenue v. Lemar A. Harris*, St. Louis City Cir. Ct., Case No. 1222-MC03973.

20. Each instance in which Harris failed to comply with an administrative or court order directing payment of state income tax constitutes a separate and sufficient cause for refusal under § 385.209.1(13).
21. The Director has considered Harris's history and all of the circumstances surrounding Harris's Application. Renewing Harris's MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to renew Harris's MVESC producer license.
22. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license renewal application of **Lemar Anthony Harris** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 4<sup>TH</sup> DAY OF AUGUST, 2014.



  
**JOHN M. HUFF**  
**DIRECTOR**

NOTICE

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

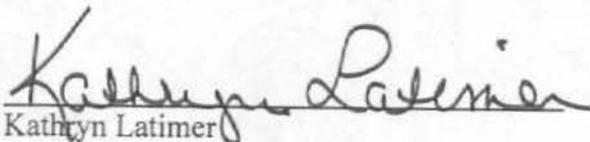
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 5th day of August, 2014, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Lemar Anthony Harris  
5285 Springtrail Drive  
Black Jack, Missouri 63033

Tracking No. 1Z0R15W84296748518



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