



**State of Missouri**

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

**IN RE:** )  
 )  
**MARY ANNA HELLRUNG,** ) **Case No. 171114449C**  
 )  
**Applicant.** )

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

On December 7, 2017, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Mary Anna Hellrung. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues the following findings of fact, conclusions of law and order:

**FINDINGS OF FACT**

1. Mary Anna Hellrung (“Hellrung”) is a Missouri resident with a residential and mailing address of 64 Downing Street, O’Fallon, Missouri 63366.
2. On August 22, 2017, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Hellrung’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
3. Background Information Question Number 1 of the Application asks, in relevant part:

**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?**

(Emphasis supplied).

4. Hellrung answered “No” to Background Information Question Number 1 on her

Application.

5. The Applicant's Certification and Attestation portion of the Application reads, in relevant part, as follows:

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.

6. On August 17, 2017, Hellrung signed the Applicant's Certification and Attestation portion of the Application before a notary public.
7. The Division's investigation revealed that, in fact, Hellrung is currently facing criminal charges. More particularly, on June 30, 2017, Hellrung was charged by Indictment in Count I with the Class D Felony of Endangering the Welfare of a Child in the First Degree, in violation of § 568.045, RSMo Non Cum. Supp. 2014, "in that on or about May 27, 2017...the defendant knowingly acted in a manner that created a substantial risk to the life, body and health of R.W., a child less than seventeen years of age, by taking R.W. with her to buy heroin, then snorting heroin in the car and driving to Mobile on the Run where the defendant collapsed and was unresponsive." *State v. Mary Anna Hellrung*, St. Charles Co. Cir. Ct., Case No. 1711-CR01932-01. Hellrung was also charged in Count II with the Class D Misdemeanor of Unlawful Possession of Drug Paraphernalia, in violation of § 579.074, RSMo Non Cum. Supp. 2014. *Id.* On July 24, 2017, Hellrung waived arraignment. *Id.* The case is currently set for pre-trial conference on January 29, 2018, and jury trial on February 20, 2018. *Id.*
8. On August 30, 2017, Division Special Investigator Andrew Engler ("Engler") sent an inquiry letter via first-class mail, postage prepaid, to Hellrung at her residential and mailing address. In his letter, Engler asked Hellrung to explain the circumstances surrounding her pending charges for endangering the welfare of a child and possession of drug paraphernalia and why she failed to disclose those pending charges on her Application. Engler asked for a response within twenty days and stated that, "[f]ailure to respond could result in a refusal to issue your MVESC license."<sup>1</sup>

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<sup>1</sup> An MVESC license is a motor vehicle extended service contract producer license.

9. The United States Postal Service did not return Engler's August 30, 2017 inquiry letter to the Division as undeliverable and it is presumed received.
10. Hellrung did not respond timely or in any way at all to Engler's August 30, 2017 inquiry letter and she did not demonstrate reasonable justification for any delay.
11. Again on September 25, 2017, Engler sent another inquiry letter to Hellrung via first-class mail, postage prepaid, to Hellrung's residential and mailing address. In his letter, Engler again asked Hellrung to explain the circumstances surrounding her pending charges and why she failed to disclose those pending charges on her Application. Engler indicated that he would allow Hellrung to respond within an additional twenty days and noted that "[f]ailure to respond could result in an administrative action."
12. The United States Postal Service did not return Engler's September 25, 2017 inquiry letter to the Division as undeliverable and it is presumed received.
13. Hellrung did not respond timely or in any way at all to the Division's September 25, 2017 inquiry letter and she did not demonstrate reasonable justification for any delay.
14. It is inferable, and hereby found as fact, that Hellrung failed to disclose on her Application the pending charges against her in St. Charles County for endangering the welfare of a child in the first degree and possession of drug paraphernalia in the hopes that the Director would look more favorably upon her Application and issue a license to her.

### CONCLUSIONS OF LAW

15. Section 385.209.1 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 rules, subpoena, or order of the director; [or]

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud[.]

16. 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.

17. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course of the mails. *Hughes v. Estes*, 793 S.W.2d 206, 209 (Mo. App. S.D. 1990).
18. The Director may refuse to issue a motor vehicle extended service contract producer license to Hellrung under § 385.209.1(2) because Hellrung violated 20 CSR 100-4.100(2)(A), in that Hellrung failed to respond to two written inquiries from the Division, specifically, inquiries sent on August 30, 2017 and September 25, 2017, and Hellrung failed to demonstrate reasonable justification for any delay.
19. Each violation of 20 CSR 100-4.100(2)(A) constitutes a separate and sufficient ground for the Director to refuse to issue a motor vehicle extended service contract producer license to Hellrung under § 385.209.1(2).
20. The Director may refuse to issue a motor vehicle extended service contract producer license to Hellrung under § 385.209.1(3) because Hellrung attempted to obtain a license through material misrepresentation or fraud in that she failed to disclose the fact that she is facing pending charges for endangering the welfare of a child in the first degree and possession of drug paraphernalia, both in St. Charles County. *State v. Mary Anna Hellrung*, St. Charles Co. Cir. Ct., Case No. 1711-CR01932-01.
21. The above-described instances are grounds upon which the Director may refuse to issue Hellrung a motor vehicle extended service contract producer license. Hellrung failed to disclose pending charges, for a felony and a misdemeanor, in St.

Charles County. Also, Hellrung failed to respond to two Division inquiry letters and she did not demonstrate reasonable justification for any delay.

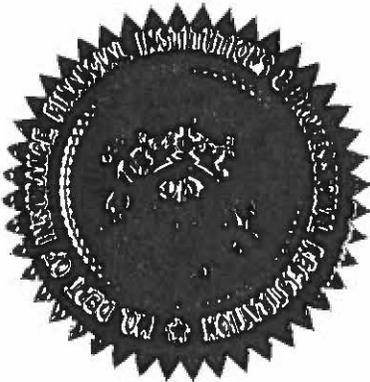
22. The Director has considered Hellrung's history and all of the circumstances surrounding Hellrung's Application. Issuing a motor vehicle extended service contract producer license to Hellrung would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Hellrung a motor vehicle extended service contract producer license.
23. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license Application of **Mary Anna Hellrung** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 12<sup>th</sup> DAY OF December, 2017.



*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 13th day of December, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, with signature required, at the following address:

Mary Anna Hellrung  
64 Downing Street  
O'Fallon, MO 63366

Tracking No. 1Z0R15W84290237974



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