



State of Missouri

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

IN RE:)
)
MELVIN ANTHONY MOORE,) **Case No. 170307213C**
)
Applicant.)

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

On May 25, 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 Melvin Anthony Moore. 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. Melvin Anthony Moore ("Moore") is a Missouri resident with a residential and mailing address of 1110 Darr, St. Louis, Missouri 63137.
2. On November 22, 2016, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Moore'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.

* * *

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 the 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. Moore accepted the "Applicant's Certification and Attestation" section by signing the Application under oath and before a notary public.
5. Background Information Question No. 1 of the Application asks:

Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license or juvenile offenses.

"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, 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 is 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 copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

6. Moore marked "Yes" in response to Background Information Question No. 1, and included related court documents for the following convictions:
 - a. On June 11, 2002, Moore pled guilty to, and was convicted of, Delivery of a

Controlled Substance, a Class B Felony, in violation of § 195.211.¹ The court sentenced Moore to five years' incarceration, but suspended the execution of sentence and ordered Moore to complete 120 days' shock incarceration and five years' supervised probation. On May 23, 2005, the court revoked Moore's probation and executed Moore's five-year sentence but retained jurisdiction for 120 days. On August 31, 2005, the court ordered that Moore be released from incarceration on September 20, 2005 and be placed on supervised probation for five years. *State v. Melvin A. Moore*, Pike Co. Cir. Ct., Case No. 02CR858030-01.

- b. On January 14, 2003, Moore pled guilty to, and was convicted of, Delivery of a Controlled Substance, a Class B Felony, in violation of § 195.211. The court sentenced Moore to five years' incarceration to run concurrent with the sentence imposed in case number 02CR858030-01, but suspended the execution of sentence and ordered Moore to complete 60 days' shock incarceration and five years' supervised probation. On May 23, 2005, the court revoked Moore's probation and executed Moore's five-year sentence but retained jurisdiction for 120 days. On August 29, 2005, the court ordered that Moore be released from incarceration on September 20, 2005 and be placed on supervised probation for five years. *State v. Melvin A. Moore*, Pike Co. Cir. Ct., Case No. 02CR859211-01.
- c. On December 30, 2009, Moore pled guilty to, and was later convicted of, Use of Communication Facilities for Purposes of Promoting Prostitution, a Class E Felony,² in violation of 18 U.S.C. § 1952. The court sentenced Moore to forty-six months' incarceration followed by three years' supervised release and a monetary penalty of \$100.00. On January 23, 2014, the court revoked Moore's supervised release and sentenced him to eighteen months' incarceration followed by eighteen months' supervised release. *United States of America v. Melvin Moore*, United States District Court, Eastern District of Missouri, Case No. S1-4:09CR00639 CDP.

7. Background Information Question No. 7 of the Application asks:

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

If you answer yes:

¹ All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri or the United States Code under which the court rendered judgment.

² The offense of Use of Communication Facilities for Purposes of Promoting Prostitution, punishable by imprisonment of not more than five years under 18 U.S.C. § 1952, is a Class E Felony pursuant to 18 U.S.C. § 3559(a)(5) (2006).

- 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?

8. Moore marked "Yes" in response to Background Information Question No. 7 indicating that he does have a child support obligation, that he is in arrears by 40 months, that his arrearage totals \$13,347.00, and that he is currently subject to and in compliance with a repayment agreement to cure his arrearage.

9. Although Moore did disclose the existence of a child support obligation and arrearage, his arrearage is significantly more than he revealed. The Consumer Affairs Division confirmed that Moore has two child support obligations in arrearage that totaled approximately \$35,532.82 at the time of Moore's Application and totaled approximately \$35,928.37 as of May 2017:

- a. As of November 2016, when the Department received Moore's Application, Moore owed a total of \$23,058.11 in arrears on his child support obligation. Moore is obligated to pay \$176.00 per month in child support. As of May 2017, Moore owes approximately \$23,950.60 in arrears. *State of Missouri, Div. of Child Support Enforcement v. Melvin Moore*, Case No. 30790549.
- b. As of November 2016, when the Department received Moore's Application, Moore owed a total of \$12,474.71 in arrears on his child support obligation. Moore is obligated to pay \$206.00 per month in child support. As of May 2017, Moore owes approximately \$11,977.77 in arrears. *Misty Jean Williams v. Melvin Anthony Moore*, Greene Co. Cir. Ct., Case No. 1031-MC04769.

CONCLUSIONS OF LAW

10. Section 385.209 RSMo (Supp. 2013)³ provides, in 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;

* * *

(5) Been convicted of any felony; [or]

* * *

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

11. The Director may refuse to issue a motor vehicle extended service contract ("MVESC") producer license to Moore pursuant to § 385.209.1(3) because Moore attempted to obtain a license through material misrepresentation or fraud when he failed to disclose the full extent of his child support arrearage in response to Background Information Question No. 7 on his Application. Moore stated that his obligations were \$13,347.00 in arrears, when his obligations actually totaled more than \$35,000.00.

12. The Director may refuse to issue an MVESC producer license to Moore pursuant to § 385.209.1(5) because Moore has been convicted of three felonies:

- a. Delivery of a Controlled Substance, a Class B Felony. *State v. Melvin A. Moore*, Pike Co. Cir. Ct., Case No. 02CR858030-01.
- b. Delivery of a Controlled Substance, a Class B Felony. *State v. Melvin A. Moore*, Pike Co. Cir. Ct., Case No. 02CR859211-01.

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

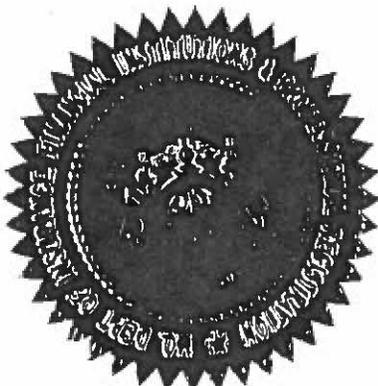
- c. Use of Communication Facilities for Purposes of Promoting Prostitution, a Class E Felony. *United States of America v. Melvin Moore*, United States District Court, Eastern District of Missouri, Case No. S1-4:09CR00639 CDP.
13. Each felony conviction is a separate and sufficient cause for refusal pursuant to § 385.209.1(5).
 14. The Director may refuse to issue an MVESC producer license to Moore pursuant to § 385.209.1(12) because Moore failed to comply with two administrative or court orders imposing child support obligations as evidenced by his arrearages in *State of Missouri, Div. of Child Support Enforcement v. Melvin Moore*, Case No. 30790549 and *Misty Jean Williams v. Melvin Anthony Moore*, Greene Co. Cir. Ct., Case No. 1031-MC04769.
 15. Each administrative or court order imposing a child support obligation that Moore has failed to comply with is a separate and sufficient cause for refusal pursuant to § 385.209.1(12).
 16. The above described instances constitute cause for the Director to refuse to issue an MVESC producer license to Moore. Granting Moore an MVESC producer license would not be in the interest of the public.
 17. The Director has considered Moore's history and all of the circumstances surrounding Moore's Application. Issuing a motor vehicle extended service contract producer license to Moore would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue an MVESC producer license to Moore.
 18. This Order is in the public interest.

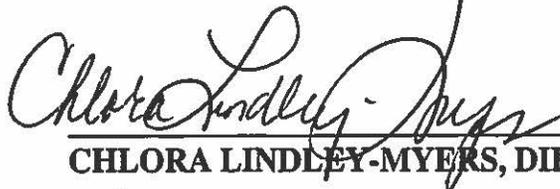
ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **Melvin Anthony Moore** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 28th DAY OF AUGUST, 2017.





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.

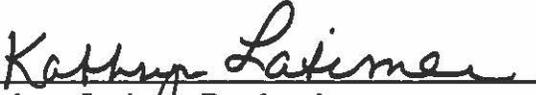
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following address:

Melvin Anthony Moore
1110 Darr
St. Louis, MO 63137

Tracking No. 1Z0R15W84292973684


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