



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:

ROBERT JAMES MARTCHINK, III,
Renewal Applicant.

)
)
)
)
)

Case No. 1910310996C

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

On November 1, 2019, the Consumer Affairs Division (“Division”) of the Department of Commerce and Insurance submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Robert James Martchink, III. 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. Robert James Martchink (“Martchink”) is a Missouri resident with a residential and mailing address of 640 Nancy Drive, St. Charles, Missouri 63301, and a business address of Carsure/CS VSC LLC, 500 Northwest Plaza, Suite 1200, St. Ann, Missouri 63074.
2. On or about November 3, 2015, the Department of Insurance, Financial Institutions and Professional Registration¹ issued a motor vehicle extended service contract

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

producer license to Martchink (license number 8363496).

3. On October 16, 2017, the Department of Insurance, Financial Institutions and Professional Registration received Martchink's Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2017 Renewal Application").
4. Background Question Number 1 of the 2017 Renewal Application asked as follows:

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, which has not been previously reported to this insurance department?

5. Martchink answered "Yes" to Background Question Number 1 on the 2017 Renewal Application. Martchink attached documents to his 2017 Renewal Application that showed that on January 6, 2017, he was indicted in the Circuit Court of St. Charles County, Missouri in Count I for the Class C Felony of Domestic Assault in the Second Degree, in violation of § 565.073,² and in Count II for the Class A Misdemeanor of Endangering the Welfare of a Child in the Second Degree. *State v. Robert James Martchink, III*, St. Charles Co. Cir. Ct., Case No. 1611-CR04865. On March 3, 2017, Martchink entered an *Alford* Plea³ to the charges. *Id.* The court suspended imposition of sentence and placed Martchink on five years of supervised probation on Count I, and two years of supervised probation on Count II, along with various other conditions. *Id.* Martchink also included a written explanation of his crimes along with the documents he provided in *State v. Robert James Martchink, III*, St. Charles Co. Cir. Ct., Case No. 1611-CR04865.
6. On October 28, 2019, the Department of Commerce and Insurance ("Department") received Martchink's completed Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2019 Renewal Application").
7. The "Applicant's Certification and Attestation" section of the 2019 Renewal Application, states, 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

² This and all other criminal statutory citations are to that version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

³ *North Carolina v. Alford*, 400 U.S. 25 (1970).

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.

8. Martchink signed the 2019 Renewal Application before a notary on October 25, 2019.
9. Background Information Question Number 1 on the 2019 Renewal Application asks as follows:

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, which has not been previously reported to this insurance department?

10. Martchink answered “No” to Background Information Question Number 1 on the 2019 Renewal Application. Martchink underlined that portion of the question that indicates, “which has not been previously reported to this insurance department?”
11. The Division’s investigation revealed that, contrary to Martchink’s “No” answer in response to Background Information Question Number 1 on the 2019 Renewal Application, Martchink has been convicted of a felony, as follows: On May 31, 2018, the court revoked Martchink’s probation in *State v. Robert James Martchink, III*, 1611-CR04865-01 and sentenced Martchink on Count I to four years in the Missouri Department of Corrections, with 120-day institutional treatment, and on Count II to 120 days in the St. Charles County Jail, with those sentences to run concurrently. *Id.* As of October 31, 2019, Martchink is still on felony probation. *Id.*
12. Background Information Question Number 4 on the 2019 Renewal Application asks as follows:

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?

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.).

13. Martchink answered “Yes” to Background Information Question Number 4 on the 2019 Renewal Application. He included with his 2019 Renewal Application a handwritten explanation regarding federal taxes owed along with paperwork from the Internal Revenue Service.
14. The Division’s investigation revealed that Martchink also has Missouri state tax indebtedness that he failed to disclose in response to Background Information Question Number 4 on the 2019 Renewal Application.
15. On June 1, 2018, the St. Charles County Circuit Court entered judgment against Martchink upon the Department of Revenue’s certification of delinquent individual income tax, interest, and additions to tax, totaling \$1,533.57. *Department of Revenue v. Robert Martchink*, St. Charles Co. Cir. Ct., Case No. 1811-MC02120. The judgment remains unsatisfied. *Id.*
16. It is inferable, and hereby found as fact, that Martchink failed to disclose 1) the fact that he had been sentenced to a suspended execution of sentence, supervised probation, and institutional treatment in *State v. Robert James Martchink, III*, 1611-CR04865-01, and 2) his unsatisfied Missouri state tax obligation of \$1,533.57 in his 2019 Renewal Application, in the hopes that the Director would look more favorably upon his 2019 Renewal Application and renew his license.

CONCLUSIONS OF LAW

17. Section 385.209.1 provides as follows:

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]

* * *

(13) Failed to comply with any administrative or court order directing payment of state or federal income tax[.]

18. The Director may refuse to renew Martchink's motor vehicle extended service contract producer license under § 385.209.1(3) because Martchink attempted to obtain a license through material misrepresentation or fraud, in that Martchink failed to disclose, as part of his 2019 Renewal Application, that his suspended imposition of sentence had been converted to a suspended execution of sentence, along with institutional treatment and supervised probation, after he violated his probation. *State v. Robert James Martchink, III*, St. Charles Co. Cir. Ct., Case No. 1611-CR04865-01.
19. The Director may refuse to renew Martchink's motor vehicle extended service contract producer license under § 385.209.1(3) because Martchink attempted to obtain a license through material misrepresentation or fraud, in that Martchink failed to disclose, as part of his 2019 Renewal Application, the unsatisfied judgment against him for delinquent individual income tax, interest, and additions to tax, totaling \$1,533.57. *Department of Revenue v. Robert Martchink*, St. Charles Co. Cir. Ct., Case No. 1811-MC02120.
20. The Director may refuse to renew Martchink's motor vehicle extended service contract producer license under § 385.209.1(5) because Martchink has been convicted of any felony. Specifically, Martchink has been convicted of Domestic Assault in the Second Degree. *State v. Robert James Martchink, III*, St. Charles Co. Cir. Ct., Case No. 1611-CR04865-01.
21. The Director may refuse to renew Martchink's motor vehicle extended service contract producer license under § 385.209.1(13) because Martchink has failed to comply with any administrative or court order directing payment of state income tax, specifically. *Department of Revenue v. Robert Martchink*, St. Charles Co. Cir. Ct., Case No. 1811-MC02120.

22. The above-described instances are grounds upon which the Director may refuse to renew Martchink's motor vehicle extended service contract producer license. Martchink failed to disclose the fact that he violated his probation, and that his suspended imposition of sentence had therefore been converted to a suspended execution of sentence. Martchink has now been convicted of a felony. Further, Martchink failed to disclose his state tax indebtedness and has failed to comply with an order directing payment of state income tax.
23. The Director has considered Martchink's history and all of the circumstances surrounding Martchink's 2019 Renewal Application. Renewing Martchink's motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director exercise her discretion and refuses to renew Martchink's motor vehicle extended service contract producer license.
24. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license 2019 Renewal Application of **Robert James Martchink, III**, is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 01st DAY OF November, 2019.



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.

[The remainder of this page intentionally left blank.]

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of November, 2019, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by UPS, with signature required, at the following address:

Robert James Martchink, III
640 Nancy Drive
St. Charles, MO 63301

Tracking No. 1Z0R15W84295293350



Kathryn Latimer, Paralegal
Missouri Department of Commerce
and Insurance
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov