



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:

**DERRICK ANTONIO
MITCHELL,**

Applicant.

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Case No. 2408080587C

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

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. 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. Derrick Antonio Mitchell (“Mitchell”) is a Missouri resident with an address of record of 8878 Trudy Avenue, St. Louis, MO 63136.
2. On April 9, 2024, the Department received Mitchell’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
3. Background Question 1B of the Application asked the following, in relevant part:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?
4. Mitchell answered “Yes” to Background Question 1B.

5. Relevant to Background Question 1B, Background Question 1C includes the following note regarding Background Questions 1A, 1B, and 1C:

If you answer yes to any of these questions, you must attach to this application: a) a written statement explaining the circumstances of each incident, b) a copy of the charging document, c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

6. In addition, because Mitchell answered “Yes” to Background Question 1B, a message to Mitchell was generated through the Application stating as follows:

For background Question 1B, you must send the following to the state you are applying to: a) a written statement explaining the circumstances of each incident, b) a copy of the charging document, c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

7. In the Application, Mitchell certified and attested to the following, in relevant part:

I hereby certify that, under penalty of perjury, 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.

8. With the Application, Mitchell submitted information showing that, on March 24, 2021, he pleaded guilty to the felony of Maintaining a Drug Involved Premises as defined in 21 U.S.C. §§ 856(a)(1) and (b).¹ *United States v. Derrick A. Mitchell*, Case No 4:18-CR-00974-AGF(3) (E.D. Mo.). On April 28, 2021, the court sentenced Mitchell to time served and three years’ supervised release. Mitchell’s term of federal supervision was successfully terminated effective May 9, 2024.
9. Mitchell did not disclose information regarding any other conviction other than the conviction in *United States v. Derrick A. Mitchell*, Case No 4:18-CR-00974-AGF(3) (E.D. Mo.).

¹ This and all other criminal statutory citations are to that version of the statutes in effect at the time of the commission of the crime.

10. The Division of Consumer Affairs (the “Division”) reviewed Mitchell’s Application, investigated Mitchell’s criminal history, and discovered that Mitchell failed to disclose a felony conviction.
11. Specifically, Mitchell failed to disclose that, on December 11, 2008, he pleaded guilty to the Class C felony of Possession of a Controlled Substance, as defined in section 195.202 RSMo. *State v. Derrick Mitchell*, Case No. 0722-CR10355-01 (St. Louis City Cir. Ct.). The court sentenced Mitchell to two days’ confinement in a medium security institution. The court suspended execution of sentence and placed Mitchell on probation for one year, but the court also entered an order that same day (December 11, 2008) terminating Mitchell’s probation.
12. The Division also discovered that Mitchell failed to disclose another felony conviction. Specifically, Mitchell failed to disclose that, on May 11, 2001, he pleaded guilty to the felony of Conspiracy to Distribute Cocaine and Cocaine Base (Crack), as defined in 21 U.S.C. §§ 841(a)(1) and 846. *United States v. Derrick Mitchell*, Case No 4:01-CR-98-CDP (E.D. Mo.). The court sentenced Mitchell to 60 months’ imprisonment, followed by a 5-year term of supervised release.
13. It is inferable, and hereby found as fact, that Mitchell failed to disclose his felony convictions in *State v. Derrick Mitchell*, Case No. 0722-CR10355-01 (St. Louis City Cir. Ct.) and *United States v. Derrick Mitchell*, Case No 4:01-CR-98-CDP (E.D. Mo.) in order to misrepresent to the Director the extent of his criminal history in the hope that the Director would look more favorably on his Application and issue a license to him.

CONCLUSIONS OF LAW

14. Section 385.209² provides, in relevant part:
 1. The director may . . . refuse to issue . . . a . . . license under sections 385.200 to 385.220 for any of the following causes, if the applicant . . . has:
 -
 - (3) Obtained or attempted to obtain a license through material misrepresentation or fraud; [or]
 -
 - (5) Been convicted of any felony[.]

² All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

15. The Director may refuse to issue Mitchell a license under section 385.209.1(3) because Mitchell attempted to obtain a license through material misrepresentation or fraud. Mitchell attempted to obtain a license through material misrepresentation or fraud by misrepresenting his criminal history when he applied for a motor vehicle extended service contract producer license. Mitchell materially misrepresented his criminal history by representing to the Department, through his Application and the information he submitted with it, that he had only been convicted of the felony in *United States v. Derrick A. Mitchell*, Case No 4:18-CR-00974-AGF(3) (E.D. Mo.), when Mitchell had in fact also been convicted of a felony in *State v. Derrick Mitchell*, Case No. 0722-CR10355-01 (St. Louis City Cir. Ct.) and a felony in *United States v. Derrick Mitchell*, Case No 4:01-CR-98-CDP (E.D. Mo.).
16. The Director may also refuse to issue Mitchell a license under section 385.209.1(5) because Mitchell was convicted of a felony. Mitchell was convicted of the felony of Maintaining a Drug Involved Premises in *United States v. Derrick A. Mitchell*, Case No 4:18-CR-00974-AGF(3) (E.D. Mo.). In addition, Mitchell was convicted of the Class C felony of Possession of a Controlled Substance in *State v. Derrick Mitchell*, Case No. 0722-CR10355-01 (St. Louis City Cir. Ct.), and Mitchell was convicted of the felony of Conspiracy to Distribute Cocaine and Cocaine Base (Crack) in *United States v. Derrick Mitchell*, Case No 4:01-CR-98-CDP (E.D. Mo.).
17. Each of Mitchell's three felony convictions constitutes a separate and sufficient ground for the Director to refuse to issue Mitchell a license under section 385.209.1(5).
18. The above-described instances are each separate and sufficient grounds upon which the Director may refuse to issue Mitchell a motor vehicle extended service contract producer license.
19. The Director has considered Mitchell's history and all the circumstances surrounding his Application. Issuing a motor vehicle extended service contract producer license to Mitchell would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Mitchell a motor vehicle extended service contract producer license.
20. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **Derrick Antonio Mitchell** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 23rd DAY OF September, 2024.



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 23rd day of September, 2024, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Derrick Antonio Mitchell
8878 Trudy Avenue
St. Louis, MO 63136

Tracking No. 1Z0R15W84299671489



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Paralegal
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