



FINAL ORDER
EFFECTIVE
05-06-2018

State of Missouri

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

In re:

NATHAN PAUL FAY,

Applicant.

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Case No. 170418253C

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

On January 9, 2018, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Nathan Paul Fay. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Nathan Paul Fay ("Fay") is an Illinois resident with a residential address of 153 Lindenwood Drive, East Alton, Illinois 62024.
2. On April 4, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Fay's completed Application for a Motor Vehicle Extended Service Contract Producer License ("Application").
3. Background Question No. 1 on 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?

4. Fay answered "Yes" to Background Question No. 1 on the Application and disclosed that on March 6, 2017, he pled guilty to and was convicted of Offenses Relating to Motor Vehicles, a Class 2 Felony, in violation of 625 ILCS 5/4-103(a)(1).¹ *Illinois v. Nathan P.*

¹ All references to criminal statutes are to the Illinois Compiled Statutes in effect at the time Fay committed the offense.

Fay, Madison Co. Cir. Ct., Case No. 2016CF001093. The court ordered Fay to pay \$600.00 in restitution and sentenced Fay to thirty-six (36) months' probation. *Id.*

CONCLUSIONS OF LAW

5. Section 385.209 RSMo² (2016) 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:

* * *

(5) Been convicted of any felony[.]

6. The Director may refuse to issue a motor vehicle extended service contract ("MVESC") producer license to Fay pursuant to § 385.209.1(5) because Fay was convicted of a felony:

a. Offenses Relating to Motor Vehicles, a Class 2 Felony, in violation of 625 ILCS 5/4-103(a)(1). *Illinois v. Nathan P. Fay*, Madison Co. Cir. Ct., Case No. 2016CF001093.

7. The Director has considered Fay's history and all of the circumstances surrounding Fay's Application. Granting Fay a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion and refuses to issue a MVESC producer license to Fay.


8. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Nathan Paul Fay** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 30th DAY OF MARCH, 2018.


CHLORA LINDLEY-MYERS
DIRECTOR

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



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.

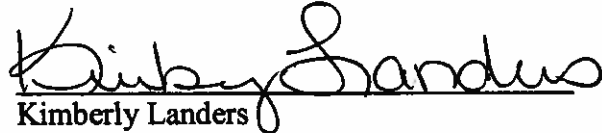
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CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2018 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Nathan Paul Fay
153 Lindenwood Drive
East Alton, Illinois 62024

No. 1Z0R15W84292413752


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