



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:

ROBERT ANTON YOUNG VI,

Applicant.

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Case No. 181207981C

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. Robert Anton Young VI (“Young”) is a Missouri resident with a residential address of 121 Millspring Lane, St. Peters, Missouri 63376.
2. On August 21, 2018, the Department of Insurance, Financial Institutions and Professional Registration (“Department”)¹ received Young’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
3. Background Information Question 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

¹ On August 28, 2019, the Missouri Department of Insurance, Financial Institutions and Professional Registration was renamed to the Missouri Department of Commerce and Insurance.

suspended execution of sentence (“SES”), or are you currently charged with committing a crime?

4. Young answered “Yes” to Background Information Question 1 on his Application. Young provided court documentation and a written statement regarding the following conviction:
 - a. On April 3, 2017, Young was convicted upon a plea of guilty to two counts of the Class C Felony of Assault in the Second Degree, in violation of § 565.060, RSMo.² *State v. Robert Anton Young VI*, St. Charles County Cir. Ct., Case No. 1611-CR00454-01. The court sentenced Young to four years’ incarceration in the Missouri Department of Corrections, suspended execution of sentence, and placed Young on five years’ supervised probation. *Id.*
5. The Division’s investigation revealed that Young had multiple other misdemeanor and felony convictions that Young did not disclose in response to Background Information Question Number 1 on his Application:
 - a. On June 21, 2010, Young pled guilty to the Class A Misdemeanor of Stealing, in violation of §§ 562.036, 562.041, and 570.030, RSMo. *State v. Robert Anton Young*, St. Charles County Cir. Ct., Case No. 1011-CR01270. The court suspended imposition of sentence and placed Young on two years’ supervised probation. *Id.* On January 24, 2013, Young’s probation was terminated, and Young was sentenced to 30 days’ incarceration in the St. Charles County Department of Corrections, to be served consecutively with his sentence in Case No. 1211-CR00640. *Id.*
 - b. On November 1, 2012, Young pled guilty to the Class A Misdemeanor of Violation of Order of Protection, in violation of §§ 455.010, 455.045, 455.050, and 455.085, RSMo. *State v. Robert Anton Young*, St. Charles County Cir. Ct., Case No. 1211-CR00640. The court suspended imposition of sentence and placed Young on two years’ supervised probation. *Id.* On January 24, 2013, Young’s probation was terminated, and Young was sentenced to 30 days’ incarceration in the St. Charles County Department of Corrections, to be served consecutively with his sentence in Case No. 1011-CR01270. *Id.*
 - c. On August 1, 2014, Young pled guilty to one count of the Class C Felony of Burglary in the Second Degree, in violation of § 569.170, RSMo, and one count of the Class C Felony of Theft/Stealing (Over \$500), in violation of § 570.030, RSMo. *State v. Robert A Young*, St. Louis County Cir. Ct., Case No. 13SL-CR02670-01. The court suspended imposition of sentence and placed Young on five years’ supervised probation. *Id.* On May 21, 2015, Young’s probation was

² This and all criminal statutory citations are to that version of the Revised Statutes of Missouri in effect at the time the court rendered judgment.

terminated, and Young was sentenced to one year of incarceration in the St. Louis County jail for each count, to be served concurrently with one another. *Id.*

d. On March 5, 2018, Young pled guilty to the Class B Misdemeanor of Property Damage in the Second Degree, in violation of § 569.120. *State v. Robert Anton Young VI*, St. Charles County Cir. Ct., Case No. 1711-CR01521. The court sentenced Young to pay a fine of \$100.00. *Id.*

6. It is inferable and hereby found as fact that Young failed to disclose his misdemeanor and felony convictions on his Application in order to misrepresent to the Director that his criminal history was limited to a single matter, in the hope that the Director would look more favorably upon his Application and issue a license to him.
7. Background Information Question 7 of the Application asks, in relevant part:

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

If you answer yes:

- 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. Young answered “Yes” in response to Background Information Question 7. Young responded “No” to subparts “a)” through “g)”, indicating that he was not in arrears and not subject to a repayment agreement.
9. During its investigation, the Division discovered that Young is subject to a child support order. Young was ordered to pay \$206.00 per month for the support of his minor child, beginning on September 15, 2012. *State v. Robert A Young*, St. Charles County Cir. Ct., Case No. 1211-FC00018.

10. The Division's investigation also found that, as of August 29, 2018, Young had an arrearage owed on his child support obligation of \$14,860.38.
11. Young did not submit any statement explaining his incorrect answer to Background Information Question 7 "a)" through "g)". Further, Young did not provide any documentation indicating that he is in compliance with the administrative or court order imposing child support obligations or that he has entered into a payment plan to cure his arrearage.
12. It is inferable and hereby found as fact that Young failed to disclose his arrearage in his response to Background Information Question 7 of the Application in order to misrepresent to the Director that he did not owe an arrearage on his child support obligation, and consequently improve the chances that the Director would approve his Application and issue him an MVEESC producer license.
13. Special Investigator Andrew Engler ("Engler") sent an inquiry letter dated August 30, 2018 to Young's address of record on his application. This inquiry letter requested Young provide: a statement explaining the circumstances surrounding Young's undisclosed criminal charges/convictions, and why he failed to disclose them on the application; a certified copy of the Information, Complaint, or other charge document in the criminal matters; a statement explaining the circumstances surrounding his child support arrearage, and why he failed to disclose it on the application; and a copy of his child support payment history. This inquiry letter cited 20 CSR 100-4.100 and informed Young that "[f]ailure to respond could result in an administrative action against your MVEESC license."
14. The United States Postal Service did not return the Division's August 30, 2018 inquiry letter as undeliverable, and therefore Young is presumed to have received it.
15. Young did not respond to the Division's August 30, 2018 inquiry letter, nor did he demonstrate a reasonable justification for the delay.
16. Engler sent a second inquiry letter, dated September 24, 2018, to Young's address of record on his application. This inquiry letter requested Young provide: a statement explaining the circumstances surrounding Young's undisclosed criminal charges/convictions, and why he failed to disclose them on the application; a certified copy of the Information, Complaint, or other charge document in the criminal matters; a statement explaining the circumstances surrounding his child support arrearage, and why he failed to disclose it on the application; and a copy of his child support payment history. This inquiry letter cited 20 CSR 100-4.100 and informed Young that "[f]ailure to respond could result in an administrative action against your MVEESC license."
17. The United States Postal Service did not return the Division's September 24, 2018 inquiry letter as undeliverable, and therefore Young is presumed to have received it.

18. Young did not respond to the Division’s September 24, 2018 inquiry letter, nor did he demonstrate a reasonable justification for the delay.

CONCLUSIONS OF LAW

19. Section 385.209³ 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:

* * *

(2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director;

(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[.]

20. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, is a rule of the Director and 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.

21. “There is a presumption that a letter duly mailed has been received by the addressee.” *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. 2000) (internal citations omitted).

22. The Director may refuse to issue an MVESC producer license to Young pursuant to § 385.209.1(2) because Young failed to respond to two inquiries from the Division

³ All civil statutory references are to the Revised Statutes of Missouri 2016, unless otherwise indicated.

without demonstrating reasonable justification for his failure to respond, thereby violating 20 CSR 100-4.100(2), a rule of the Director.

23. The Director may refuse to issue a motor vehicle extended service contract producer license to Young under § 385.209.1(3) because Young attempted to obtain a license through material misrepresentation or fraud in that he failed to disclose the full extent of his criminal history and his child support arrearage.
24. The Director may refuse to issue a motor vehicle extended service contract producer license to Young under § 385.209.1(5) because Young has been convicted of a felony. More particularly, Young has been convicted of four felonies, including Assault, Theft/Stealing, and Burglary. *State v. Robert Anton Young VI*, St. Charles County Cir. Ct., Case No. 1611-CR00454-01; *State v. Robert A Young*, St. Louis County Cir. Ct., Case No. 13SL-CR02670-01.
25. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Young a motor vehicle extended service contract producer license under § 385.209.1(5).
26. The Director may refuse to issue an MVESC producer license to Young pursuant to § 385.209.1(12) because Young failed to comply with one or more administrative or court orders imposing child support obligations, as evidenced by his substantial child support arrearage. *State et al v. Robert A Young*, St. Charles County Cir. Ct., Case No. 1211-FC00018.
27. The above-described instances are grounds upon which the Director may refuse to issue Young a motor vehicle extended service contract producer license.
28. The Director has considered Young's history and all of the circumstances surrounding Young's Application. Issuing a motor vehicle extended service contract producer license to Young would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Young a motor vehicle extended service contract producer license.
29. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **Robert Anton Young VI** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 20th 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.

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Robert Anton Young VI
121 Millspring Lane
St. Peters, Missouri 63376

Tracking No. 1Z0R15W84293550503



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