



**State of Missouri**  
**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND**  
**PROFESSIONAL REGISTRATION**

**IN RE:**

**RICKEY DARNELL BARKSDALE,**

**Applicant.**

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**Case No. 170307214C**

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

On April 4, 2017, the Consumer Affairs Division submitted a Petition to the Director ("Director") alleging cause for refusing to issue a motor vehicle extended service contract producer license to Rickey Darnell Barksdale. After reviewing the Petition and Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Rickey Darnell Barksdale ("Barksdale") is a Missouri resident with a residential and mailing address of 2509 Maple Tree Drive, Saint Charles, Missouri 63303-4331.
2. On March 9, 2007, the Saint Louis City Circuit Court entered a judgment against Barksdale requiring him to pay \$220.00 monthly for child support. *Missouri Family Support Div. v. Rickey Barksdale*, St. Louis City Cir. Ct., Case No. 0622-FC00681.
3. On September 8, 2009, the Saint Louis County Circuit Court entered a judgment against Barksdale for \$511.90 of unpaid 2004 individual income "tax, interest, additions to tax, penalties, and fees ... as provided by law until the full amount of the tax liability is paid." *Dep't of Revenue v. Rickey D. Barksdale*, St. Louis Co. Cir. Ct., Case No. 09SL-MC01068. The judgment remains unsatisfied.
4. On March 3, 2010, Barksdale pled guilty to Receiving Stolen Property, a Class A Misdemeanor, in violation of § 570.080 ("Receiving Stolen Property").<sup>1</sup> The court suspended imposition of sentence and ordered him to complete two years' supervised probation. *State v. Rickey Darnell Barksdale*, St. Charles Co. Assoc. Cir. Ct., Case No. 0911-CR06729.
5. On December 2, 2011, the Department of Insurance, Financial Institutions and

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<sup>1</sup> All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri pursuant to which each judgment was rendered.

Professional Registration (“Department”) received Barksdale’s Application for Motor Vehicle Extended Service Contract Producer License (“2011 Application”).

6. Barksdale falsely responded “No” to Background Information Question 33.1 of the 2011 Application, which asked:

Have you ever been convicted of a crime, had a judgement 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 (DWT), driving without a license, reckless driving, or driving with a suspended or revoked license and 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 judgement withheld or deferred” includes circumstances in which a guilty plea was entered and/or a finding of guilt was 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”).

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 judgement

7. Barksdale signed the 2011 Application before a notary and under oath.
8. The 2011 Application’s “Applicant’s Certification and Attestation” section provided, 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 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.

9. On January 1, 2012, in reliance on Barksdale’s misrepresentation in his 2011 Application, the Department issued him a motor vehicle extended service contract (“MVESC”) producer license.

10. On January 3, 2014, the Department received Barksdale's first Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2014 Application").
11. Barksdale did not answer Background Information Question 36.1 of the 2014 Application, which inquired about his criminal history in substantially similar fashion as had Background Information Question 33.1 of his 2011 Application.
12. Barksdale had not reported to the Department his 2004 Missouri individual income tax delinquency, or the associated judgment in *Dep't of Revenue v. Rickey D. Barksdale*, St. Louis Co. Cir. Ct., Case No. 09SL-MC01068, prior to the 2014 Application.
13. Barksdale falsely responded "No" to Background Information Question 36.4 of the 2014 Application, which asked:

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.).

14. Barksdale signed the 2014 Application before a notary and under oath.
15. The 2014 Application's "Applicant's Certification and Attestation" section stated, 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.

\* \* \*

4. I further certify, under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding

state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 36.4.

16. On September 25, 2014, in reliance on Barksdale's misrepresentations and omissions in his 2014 Application, the Department issued Barksdale an MVESC producer license.
17. On October 9, 2014, the Saint Charles County Circuit Court entered a judgment against Barksdale requiring him to pay \$583.00 monthly for child support. *State ex rel. Washington v. Rickey Darnell Barksdale*, St. Charles Co. Cir. Ct., Case No. 1411-MC06318.
18. On July 29, 2016, the Saint Charles County Circuit Court entered a judgment against Barksdale for \$4,091.52 of unpaid 2011 individual income "tax, interest, additions to tax, penalties, and fees ... as provided by law until the full amount of the tax liability is paid." *Dep't of Revenue v. Rickey D. Barksdale*, St. Charles Co. Cir. Ct., Case No. 1611-MC03623. The judgment remains unsatisfied.
19. On September 25, 2016, Barksdale's MVESC producer license expired.
20. On October 4, 2016, the Department received Barksdale's second, completed Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2016 Application").
21. Barksdale had not reported to the Department his prosecution for Receiving Stolen Property prior to the 2016 Application.
22. Barksdale had not reported to the Department his 2011 Missouri individual income tax delinquency, or the associated judgment in *Dep't of Revenue v. Rickey D. Barksdale*, St. Charles Co. Cir. Ct., Case No. 1611-MC03623, prior to the 2016 Application.
23. Barksdale falsely responded "No" to Background Information Question 36.1 of the 2016 Application, which asked:

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?

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

“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, having entered an Alford Plea, 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 was 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 certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

24. Barksdale also falsely responded “No” to Background Information Question 36.4 of the 2016 Application, which asked:

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.).

25. Background Information Question 36.7 of the 2016 Application asked:

Do you currently have or have you had a child support obligation, which has not been previously reported to this insurance department?

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 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?

26. Barksdale answered Background Information Question 36.7 of the 2016 Application, and its subparts, by indicating that he did have a previously unreported child support obligation but it was not in arrears. He did not include any documents.

27. Barksdale signed the 2016 Application on October 3, 2016 before a notary and under oath.

28. The 2016 Application's "Applicant's Certification and Attestation" section stated, 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.

\* \* \*

- 4. I further certify, under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 36.4.

- 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 that 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.

29. When Barksdale signed his 2016 Application, he owed a total of \$9,201.42 in child support arrears. *Missouri Family Support Div. v. Rickey Barksdale*, St. Louis City Cir. Ct., Case No. 0622-FC00681; *State ex rel. Washington v. Rickey Darnell Barksdale*, St. Charles Co. Cir. Ct., Case No. 1411-MC06318.
30. It is inferable, and hereby found as fact, that Barksdale failed to disclose his criminal record, tax delinquencies, and child support arrearage on his 2011 Application, 2014 Application, and 2016 Application in order to materially misrepresent to the Director that he had no relevant criminal record, tax delinquencies, or child support arrearage and thereby improve the chances that his applications would be approved and he would be granted licensure.

### CONCLUSIONS OF LAW

31. Section 385.209.1, RSMo (Supp. 2013)<sup>2</sup> provides, in relevant part:

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:

- (1) Filed an application for license in this state within the previous ten years, which, as of the effective date of the license, was incomplete in any material respect or contained incorrect, misleading, or untrue information;

\* \* \*

- (3) Obtained or attempted to obtain a license through material misrepresentation or fraud;

\* \* \*

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

32. The Director may refuse to issue Barksdale a MVESC producer license pursuant to § 385.209.1(1) because his 2011 Application was incomplete or included materially incorrect, misleading, or untrue information because he falsely answered “No” to Background Information Question 33.1 thereof and failed to disclose his criminal record as required.

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<sup>2</sup> All civil statutory references are to the 2013 Cumulative Supplement of the Missouri Revised Statutes.

33. The Director may refuse to issue Barksdale a MVESC producer license pursuant to § 385.209.1(1) because his 2014 Application was incomplete by his failure to answer Background Information Question 36.1 regarding his criminal history, and included materially incorrect, misleading, or untrue information because he falsely answered “No” to Background Information Question 36.4 thereof and failed to disclose his state income tax delinquency as required.
34. Each time Barksdale filed an application which, as of the effective date of his MVESC producer license, was incomplete in any material respect or contained incorrect, misleading, or untrue information is a separate and sufficient ground for refusal pursuant to § 385.209.1(1).
35. The Director may refuse to issue Barksdale a MVESC producer license pursuant to § 385.209.1(3) because he obtained a MVESC producer license in 2012 through material misrepresentation or fraud by failing to disclose his criminal record in response to Background Information Question 33.1 of his 2011 Application as required.
36. The Director may refuse to issue Barksdale a MVESC producer license pursuant to § 385.209.1(3) because he obtained a MVESC producer license in 2014 through material misrepresentation or fraud by failing to answer Background Information Question 36.1 and failing to disclose his state income tax delinquency in response to Background Information Question 36.4 of his 2014 Application as required.
37. The Director may refuse to issue Barksdale a MVESC producer license pursuant to § 385.209.1(3) because he attempted to obtain a MVESC producer license through material misrepresentation or fraud by failing to disclose his criminal record, state income tax delinquencies, and child support arrearage in response to Background Information Questions 36.1, 36.4, and 36.7 of his 2016 Application as required.
38. Each time Barksdale obtained or attempted to obtain his MVESC producer license through material misrepresentation or fraud is a separate and sufficient ground for refusal pursuant to § 385.209.1(3).
39. The Director may refuse to issue Barksdale a MVESC producer license pursuant to § 385.209.1(12) because he has failed to comply with administrative or court orders directing payment of child support, as reflected by:
  - a. *Missouri Family Support Div. v. Rickey Barksdale*, St. Louis City Cir. Ct., Case No. 0622-FC00681 (\$3,734.94 arrearage as of 2016 Application); and
  - b. *State ex rel. Washington v. Rickey Darnell Barksdale*, St. Charles Co. Cir. Ct., Case No. 1411-MC06318 (\$5,466.48 arrearage as of 2016 Application).
40. Each failure to comply with an administrative or court order directing payment of child support is a separate and sufficient ground for refusal pursuant to § 385.209.1(12).

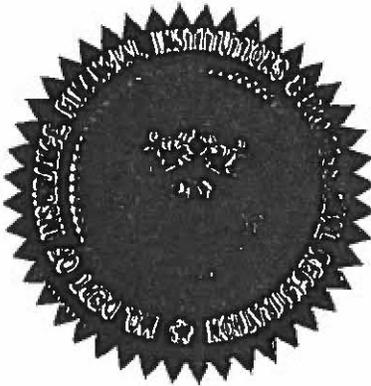
41. The Director has considered Barksdale's history and all of the circumstances surrounding Barksdale's 2016 Application, including the infirmities of his 2011 Application and 2014 Application. Issuing a MVESC producer license to Barksdale would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse Barksdale's 2016 Application for a MVESC producer license.
42. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license application of **Rickey Darnell Barksdale** is hereby **REFUSED**.

**SO ORDERED.**

**WITNESS MY HAND THIS** 11<sup>th</sup> **DAY OF** July, 2017.



*Chlora Lindley Myers*

**CHLORA LINDLEY-MYERS**  
Director, Missouri Department of Insurance,  
Financial Institutions and Professional Registration

## **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.

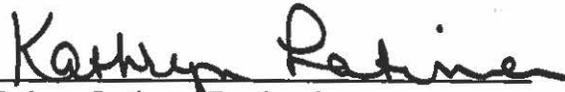
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of July, 2017, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by UPS, signature required service, at the following address:

Rickey Darnell Barksdale  
2509 Maple Tree Drive  
Saint Charles, Missouri 63303-4331

No. 1Z0R15W84298745759



Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: (573) 751-6515  
Facsimile: (573) 526-5492  
Email: Kathryn.Latimer@insurance.mo.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of July, 2017, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by USPS, certified mail, at the following address:

Rickey Darnell Barksdale  
2509 Maple Tree Drive  
Saint Charles, Missouri 63303-4331

Certified No. 7016 0340 0000 7970 2862

  
Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: (573) 751-6515  
Facsimile: (573) 526-5492  
Email: Kathryn.Latimer@insurance.mo.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of August, 2017, a copy of the foregoing Order and Notice was served upon the Renewal Applicant in this matter by USPS, first class mail, at the following address:

Rickey Darnell Barksdale  
2509 Maple Tree Drive  
Saint Charles, Missouri 63303-4331



Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
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