

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

**IN RE:**

**ROBERT J. WILLIAMS,**

**Applicant.**

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**Case No. 170609302C**

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

On August 7, 2017, the Consumer Affairs Division, submitted a Petition to the Director alleging cause to refuse to issue a motor vehicle extended service contract producer license to Robert J. Williams. After reviewing the Petition, the Investigative Report, and supporting documentation, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Robert J. Williams ("Williams") is a Missouri resident with a residential address of 5160 Campfire Trail, Apartment C, Florissant, Missouri 63033.
2. On March 21, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Williams's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "Applicant's Certification and Attestation" section of the Application states, 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 [4].

4. Williams accepted the "Applicant's Certification and Attestation" section by signing the Application under oath and before a notary public.

5. Background Question No. 1 of the Application asks:

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?

"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.

6. Williams answered "No" in response to Background Question No. 1 of the Application.
7. Contrary to Williams's response to Background Question No. 1 of the Application, an investigation by Special Investigator Andrew Engler ("Special Investigator Engler") of the Consumer Affairs Divisions ("Division") revealed the following convictions that Williams failed to disclose:
  - a. On March 10, 1995, Williams pled guilty to, and was convicted of, five (5) counts of Stealing, Class C Felonies, in violation of § 570.030 RSMo.<sup>1</sup> The court sentenced Williams to five (5) years' incarceration for each count, but suspended execution for all counts, placed Williams on five (5) years' supervised probation, and ordered restitution of \$31,000. On February 24, 2000, the court revoked Williams's probation on each count, and sentenced Williams to 120 days' shock incarceration to be served concurrently. *State v. Robert J. Williams*, St. Louis Co. Cir. Ct., Case No. 2190R-08150-01.
8. Background Question No. 4 of the Application asks:

Have you failed to pay state or federal income tax?

Have you failed to comply with an administrative or court order directing payment of state or federal income tax?

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.).

9. Williams answered "No" in response to Background Question No. 4 of the Application.

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

10. Contrary to Williams's response, Special Investigator Engler's investigation revealed the following delinquent state income tax obligation that Williams failed to disclose on his Application:
  - a. On June 3, 2016, the St. Louis County Circuit Court entered a judgment against Williams for unpaid income taxes for the 2009, 2010, 2011, 2013, and 2014 filing years as follows:

[Department] of Revenue, under Section 143.902, RSMo, hereby certifies that the following assessment of tax, interest, additions to tax, penalties, and fees have been made and become final [in the amount of \$1,169.14]. Interest continues to accrue as provided by law until the full amount of the tax liability is paid.

*Department of Revenue v. Robert J. Williams* St. Louis Co. Cir. Ct., Case No. 16SL-MC04957.
11. On March 23, 2017, after reviewing Williams's Application, his criminal record, and his delinquent tax obligation, Special Investigator Engler sent an inquiry letter to Williams. The inquiry letter requested that Williams provide a statement regarding his convictions, an explanation for failing to disclose his criminal history, and corresponding court records, as well as payment plan or letter of compliance from the Department of Revenue regarding his delinquent tax obligation. The inquiry letter further requested a response within twenty (20) days, and warned Williams that failure to respond could result in the Department refusing to issue him a motor vehicle extended service contract ("MVESC") producer license.
12. The United States Postal Service did not return the March 23, 2017 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Williams.
13. Williams failed to provide a written response to the Division's March 23, 2017 inquiry letter, and failed to demonstrate a reasonable justification for the delay.
14. On April 20, 2017, after receiving no response from Williams, Special Investigator Engler sent a second inquiry letter to Williams. The inquiry letter requested the same information and documentation requested in the March 23, 2017 inquiry letter. The inquiry letter further requested a response within twenty (20) days, and again warned Williams that a failure to respond could result in the Department refusing to issue him a MVESC producer license.
15. The United States Postal Service did not return the April 20, 2017 inquiry letter to the Division as undeliverable, and therefore it is presumed received by Williams.

16. Williams failed to provide a written response to the Division's April 20, 2017 inquiry letter, and failed to demonstrate a reasonable justification for the delay.
17. It is inferable, and hereby found as fact, that Williams failed to disclose his five (5) felony convictions for Stealing and delinquent tax obligation on his Application in order to misrepresent his criminal history and tax compliance to the Director, and accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVESC producer license.

### CONCLUSIONS OF LAW

18. Section 385.209 RSMo<sup>2</sup> provides, in 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]

\* \* \*

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

19. 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

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<sup>2</sup> All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement.

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.

20. "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).
21. The Director may refuse to issue a MVEESC producer license to Williams pursuant to § 385.209.1(2) because Williams failed to adequately respond to two (2) inquiry letters from the Division and failed to demonstrate a reasonable justification for the delay, thereby violating 20 CSR 100-4.100(2)(A), a rule of the Director.
22. Each violation of a rule of the Director is a separate and sufficient ground for refusal pursuant to § 385.209.1(2).
23. The Director may refuse to issue a MVEESC producer license to Williams pursuant to § 385.209.1(3) because Williams attempted to obtain a MVEESC producer license through material misrepresentation or fraud by failing to disclose his five (5) felony convictions for Stealing and delinquent tax obligation in the Application in order to misrepresent his criminal history and tax compliance to the Director, and, accordingly, in order to improve the chances that the Director would approve his Application and issue him a MVEESC producer license.
24. The Director may refuse to issue a MVEESC producer license to Williams pursuant to § 385.209.1(5) because Williams has been convicted of five (5) felonies:
  - a. Five (5) counts of Stealing, Class C Felonies. *State v. Robert J. Williams*, St. Louis Co. Cir. Ct., Case No. 2190R-08150-01.
25. Each felony conviction is a separate and sufficient ground for refusal pursuant to § 385.209.1(5).
26. The Director may refuse to issue a MVEESC producer license to Williams pursuant to § 385.209.1(13) because Williams failed to comply with administrative or court order directing payment of state income tax:
  - a. Judgment in the amount of \$1,169.14 for unpaid income tax for the 2009, 2010, 2011, 2013, and 2014 filing years. *Department of Revenue v. Robert J. Williams* St. Louis Co. Cir. Ct., Case No. 16SL-MC04957.

27. The Director has considered Williams's history and all of the circumstances surrounding Williams's Application. Granting Williams 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 Williams.
28. This Order is in the public interest.

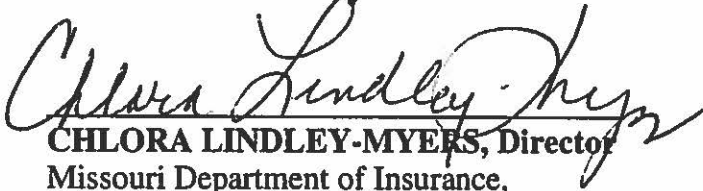
**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license application of **Robert J. Williams** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 10<sup>th</sup> DAY OF August, 2017.



  
**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 15th day of August, 2017, 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:

Robert J. Williams  
5160 Campfire Trail, Apartment C  
Florissant, Missouri 63033

No. 1Z0R15W84297449858

A handwritten signature in black ink, appearing to read "Kathryn Latimer", is written over a horizontal line.

Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
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