



**State of Missouri**

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION

IN RE: )  
 )  
 RACHEL NICOLE WESEMAN ) Case No. 170214181C  
 )  
 Applicant. )

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

On March 21, 2017, the Consumer Affairs Division (“Division”), submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Rachel Nicole Weseman. 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. Rachel Nicole Weseman (“Weseman”) is a Missouri resident with a current residential address of 1330 Shallow Lake Drive, O’Fallon, Missouri 63366.
2. On February 4, 2014, the Department received Weseman’s Application for Motor Vehicle Extended Service Contract Producer License (“2014 Application”).
3. Background Information Question Number 7 on the 2014 Application asks:

Do you have a child support obligation in arrearage?

If you answer yes:

- a) by how many months are you in arrearage? \_\_\_\_\_ months
- b) are you currently subject to and in compliance with any repayment agreement?
- c) 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.)

4. The Applicant's Certification and Attestation section of the 2014 Application provides, 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 child-support obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.

5. Weseman signed the 2014 Application before a notary.

6. Weseman answered "No" to Background Information Question Number 7 on the 2014 Application.

7. On February 10, 2014, the Department issued a motor vehicle extended service contract producer license to Weseman (license number 8312325). That license expired on February 10, 2016.

8. On October 13, 2016, the Department received Weseman's Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2016 Application").

9. Background Information Question Number 1 of the 2016 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, which has not been previously reported to this insurance department?

10. The Applicant's Certification and Attestation section of the 2016 Application provides, 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.

11. Weseman signed the 2016 Application before a notary.
12. Weseman answered "No" to Background Information Question Number 1 on the 2016 Application.
13. The Division's investigation revealed that, in February 2014 when she submitted her 2014 Application to the Department, Weseman had an outstanding child support arrearage. In particular, in February 2014, Weseman owed \$592.00 in child support arrears for one child. On March 1, 2013, Weseman had been ordered to pay \$374.00 per month in child support. *State ex rel. Mo. Division of Child Support Enforcement v. Rachel Nicole Weseman*, St. Charles Co. Cir. Ct., Case No. 1311-MC00789.
14. The Division's investigation also revealed that Weseman currently has a Felony Stealing charge pending that was pending when she filed her 2016 Application in October 2016. In particular, on November 3, 2015, the state filed a complaint charging Weseman with the Class C Felony Stealing by Deceit. On December 23, 2015, Weseman was served with a warrant and on March 8, 2016, Weseman was bound over to Circuit Court following a preliminary hearing. On March 9, 2016, Weseman was charged by Information with the Class C Felony of Stealing by Deceit, in violation of § 570.030, RSMo Supp. 2013. On March 21, 2016, counsel entered his appearance on Weseman's behalf and filed a motion for disclosure. *State v. Rachel Weseman*, St. Charles Co. Cir. Ct., Case No. 1511-CR05119-01.
15. On October 25, 2016, Division Special Investigator Andrew Engler ("Engler") sent an inquiry letter via first class mail, postage prepaid, to Weseman at her residential address of record, 1330 Shallow Lake Drive, O'Fallon, Missouri 63366. In his letter, Engler asked Weseman for an explanation as to why she failed to disclose her pending Felony Stealing charge on her 2016 Application. Engler asked for a response within twenty days and stated that, "[f]ailure to respond could result in a refusal to issue your MVESC license."<sup>1</sup>

---

<sup>1</sup> An MVESC license is a motor vehicle extended service contract producer license.

16. The United States Postal Service did not return Engler's October 25, 2016 inquiry letter to the Division as undeliverable and it is presumed received.
17. Weseman did not respond timely or at all to Engler's October 25, 2016 inquiry letter and she did not demonstrate reasonable justification for any delay.
18. Again on November 17, 2016, Engler sent another inquiry letter to Weseman via first class mail, postage prepaid. In his letter, Engler again asked Weseman for an explanation as to why she failed to disclose her pending Felony Stealing charge on her 2016 Application. Engler requested a response within twenty days.
19. The United States Postal Service did not return Engler's November 17, 2016 inquiry letter to the Division as undeliverable and it is presumed received.
20. Weseman did not respond timely or at all to the Division's November 17, 2016 inquiry letter and she did not demonstrate reasonable justification for any delay.
21. It inferable, and hereby found as fact, that Weseman failed to disclose her child support obligation and arrearage in her 2014 Application in the hopes that the Director would look more favorably upon her 2014 Application and issue a license to her, which he did.
22. It is inferable, and hereby found as fact, that Weseman failed to disclose her pending Felony Stealing charge in her 2016 Application in order to induce the Director to issue her a license.

### **CONCLUSIONS OF LAW**

23. Section 385.209.1, RSMo Supp. 2013, 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;

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

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud[.]

24. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, 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.

25. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course of the mails. *Hughes v. Estes*, 793 S.W.2d 206, 209 (Mo. App. S.D. 1990).
26. The Director may refuse to issue a motor vehicle extended service contract producer license to Weseman under § 385.209.1(1) because Weseman filed an application for a license 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. Weseman failed to disclose her child support obligation and arrearage in her 2014 Application.
27. The Director may refuse to issue a motor vehicle extended service contract producer license to Weseman under § 385.209.1(2) because Weseman violated 20 CSR 100-4.100(2)(A) in that Weseman failed to respond to two written inquiries from Engler and Weseman failed to demonstrate reasonable justification for any delay.
28. Each violation of 20 CSR 100-4.100(2)(A) constitutes a separate and sufficient ground for the Director to refuse to issue a motor vehicle extended service contract producer license to Weseman under § 385.209.1(2).
29. The Director may refuse to issue a motor vehicle extended service contract producer license to Weseman under § 385.209.1(3) because Weseman attempted to obtain a license through material misrepresentation or fraud. Weseman failed to

disclose her child support obligation and arrearage in her 2014 Application. Weseman also failed to disclose in her 2016 Application the fact that she was facing a Felony Stealing by Deceit charge.

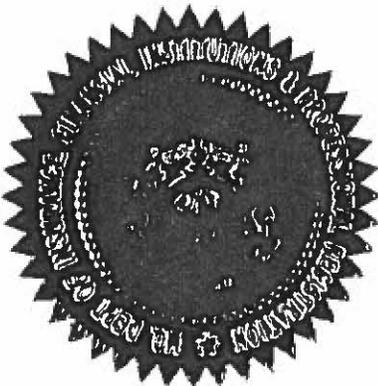
30. Each attempt to obtain a license through material misrepresentation or fraud constitutes a separate and sufficient ground for the Director to refuse to issue a motor vehicle extended service contract producer license to Weseman under § 385.209.1(3).
31. The above-described instances are grounds upon which the Director may refuse to issue a motor vehicle extended service contract producer license to Weseman. Weseman failed to disclose her child support obligation and arrearage on her 2014 Application and her pending Felony Stealing charge on her 2016 Application. Weseman also failed to respond to two written inquiries from the Division and did not demonstrate reasonable justification for any delay.
32. The Director has considered Weseman's history and all of the circumstances surrounding Weseman's 2016 Application. Issuing a motor vehicle extended service contract producer license to Weseman would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Weseman a motor vehicle extended service contract producer license.
33. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license Application of **Rachel Nicole Weseman** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 19<sup>th</sup> DAY OF July, 2017.



*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.

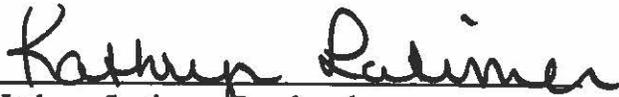
[The remainder of this page intentionally left blank.]

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of July, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following address:

Rachel Nicole Weseman  
1330 Shallow Lake Drive  
O'Fallon, MO 63366

Tracking No. 1Z0R15W84295791786



Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of August, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, with certified mail, at the following address:

Rachel Nicole Weseman  
1330 Shallow Lake Drive  
O'Fallon, MO 63366

Certified No. 7016 0340 0000 7970 3128

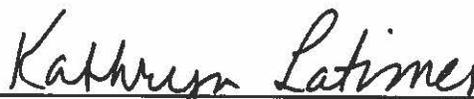


Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)

**CERTIFICATE OF SERVICE**

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

Rachel Nicole Weseman  
1330 Shallow Lake Drive  
O'Fallon, MO 63366



Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.2619  
Facsimile: 573.526.5492  
Email: kathryn.latimer@insurance.mo.gov