



FINAL ORDER
EFFECTIVE
01-16-2018

State of Missouri

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

IN RE:

RYAN PATRICK NEVES,

Applicant.

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Case No. 171004387C

ORDER REFUSING TO ISSUE
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On November 21, 2017, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the motor vehicle extended service contract producer license application of Ryan Patrick Neves. After reviewing the Petition, 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. Ryan Patrick Neves (“Neves”) is a Texas resident with a residential address of 100 Chris Court, Hudson Oaks, Texas 76087-3648.
2. On June 9, 2017, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Neves’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
3. Background Information Question 7 of the Application asked:

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?
- 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?

- 4. In response to Background Information Question 7 of the Application, Neves admitted a child support obligation. He specifically denied any arrearage, but indicated that he was in compliance with a repayment agreement. Neves included no additional information or documentation of his child support obligation with the Application.
- 5. The “Applicant’s Certification and Attestation” section of the Application, which Neves accepted by signing before a notary, declares 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.

* * *

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 []7.

- 6. On June 13, 2017, Special Investigator Andrew Engler with the Department’s Consumer Affairs Division (“Division”) sent Neves a letter by first-class mail, postage prepaid, requesting the child support documentation required by Background Information Question 7 of the Application. The inquiry letter warned Neves that his “response [wa]s due within twenty days. Failure to respond could result in a refusal to issue your MVESC [producer] license.”
- 7. The United States Postal Service did not return the Division’s June 13, 2017 inquiry letter as being undeliverable, or for any other reason; therefore, Neves is presumed to have received it.
- 8. On July 7, 2017, having received no response from Neves, the Division sent him a second inquiry letter in the same manner and requesting the same documentation. The second inquiry letter advised Neves that his response to the first “was due within twenty days” but offered to “allow [Neves] to respond within an additional twenty days.”

9. The United States Postal Service did not return the Division's July 7, 2017 inquiry letter as being undeliverable, or for any other reason; therefore, Neves is presumed to have received it.
10. Neves never responded to the Division's July 7, 2017 inquiry letter.
11. Neves has not demonstrated any reasonable justification for his failure to respond to the Division's July 7, 2017 inquiry letter.

CONCLUSIONS OF LAW

12. Section 385.209.1, RSMo¹ 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:

* * *

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

13. Title 20 CSR 100-4.100(2)(A) 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.

14. "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. E.D. 2000) (internal citation omitted).
15. The Director may refuse to issue a motor vehicle extended service contract ("MVESC") producer license to Neves pursuant to § 385.209.1(2) because he violated a rule of the Director, specifically 20 CSR 100-4.100, by failing to respond to the Division's July 7, 2017 inquiry letter and not demonstrating any reasonable justification for his nonresponsiveness.

¹ All statutory references are to the 2013 Cumulative Supplement of the Missouri Revised Statutes.

- 16. The Director has considered Neves's history and all of the circumstances surrounding Neves's Application. Issuing Neves a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Neves a MVESC producer license.
- 17. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Ryan Patrick Neves** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 12th **DAY OF** December, 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 12th day of December, 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:

Ryan Patrick Neves
100 Chris Court
Hudson Oaks, Texas 76087-3648

No. 1Z0R15W84296896180



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