



State of Missouri

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

IN RE:

RAYMOND WESLEY LORD, II,

Applicant.

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Case No. 160408219C

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

On June 29, 2016, 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 Raymond Wesley Lord, II. 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. Raymond Wesley Lord, II ("Lord"), is a Missouri resident with a residential address of 1938 Williamstown Drive, St. Peters, Missouri 63376.
2. On February 1, 2016, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Lord's "Application for Motor Vehicle Extended Service Contract Producer License" ("Application").
3. The "Applicant's Certification and Attestation" section of the Application reads, 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 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.

4. Lord signed the Application under oath and before a notary.
5. Background Information Question No. 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 suspended execution of sentence (“SES”), or are you currently charged with committing a crime?

* * *

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. Lord answered “Yes” to Background Information Question No. 1.
7. Lord disclosed the following convictions:
 - a. On April 16, 2007, Lord pled guilty to the Class C Felony of Passing Bad Checks, in violation of § 570.120.¹ The court suspended the imposition of sentence and placed Lord on five years’ probation. On May 19, 2008, the court revoked Lord’s probation and sentenced Lord to three years’ confinement. The court suspended the execution of sentence, placed Lord on five years’ probation, and ordered 35 days of shock time and restitution. *State v. Raymond W. Lord*, St. Charles Co. Cir. Ct., Case No. 0611-CR02360-01.
 - b. On July 10, 2008, Lord pled guilty to the Class C Felony of Theft/Stealing (Value of Property or Services is \$500 or More But Less than \$25,000), in violation of § 570.030. The court sentenced Lord to five

¹ All criminal statutory citations are to that version of RSMo in effect at the time of the commission of the crime.

years' incarceration, but suspended the execution of the sentence and placed Lord on supervised probation for three years, and ordered 30 days of shock time and 100 hours of community service. *State v. Raymond W. Lord*, St. Louis Co. Cir. Ct., Case No. 07SL-CR05936-01.

8. Lord attached a letter from his former counsel to his Application as Exhibit 2, and adopted as his own the explanations contained therein. The letter provides details of the circumstances surrounding his stealing conviction. In particular, the letter indicates that Lord used to work at Brentwood Volvo as the finance manager. As finance manager, Lord handled customers' personal and financial information. Also while working as finance manager, Lord stole money orders that a customer provided to purchase a car; Lord used the money orders to pay his own bills.
9. The letter that Lord attached to his Application also provides details of the circumstances surrounding Lord's conviction for felony passing bad checks. The letter indicates that Lord wrote a check to a jewelry store owner for a diamond tennis bracelet. The owner agreed to hold onto the check for a few days before cashing it. When the owner finally attempted to cash the check, the check was returned for insufficient funds. Lord was unable to repay the money to the owner. The Information in Lord's felony passing bad checks case indicates that Lord wrote a check for \$6,451.92, knowing that it would not be paid.
10. Background Information Question No. 2 of the Application asks, in relevant part:

Have you ever been named or involved as a party in an administrative proceeding or action regarding any professional or occupational license or registration, or regarding the lack of such license or registration?

* * *

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
 - b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
 - c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.
11. Lord answered "Yes" to Background Information Question No. 2.
 12. On December 2, 2011, Lord filed an "Application for Motor Vehicle Extended Service Contract Producer License" ("2011 Application"). On March 14, 2012,

the Director refused to issue a Motor Vehicle Extended Service Contract ("MVESC") producer license to Lord. The Director denied Lord's 2011 Application for an MVESC producer license pursuant to § 385.209.1(5) because Lord had been convicted of two felonies. *See In re: Raymond W. Lord, II*, Case No. 12-0202127C, "Order Refusing to Issue a Motor Vehicle Extended Service Contract Producer License," issued March 14, 2012 ("2012 Refusal Order") (attached as Exhibit A).

13. Background Information Question No. 3 of the Application asks, in relevant part:

* * *

Have you or any business of which you are or were an owner, partner, officer or director, or member or manager of a Limited Liability Company ever been subject to a bankruptcy proceeding?

Answer "Yes" if the answer to either question (or both) is "Yes."

If you answer yes, you must attach to this application:

* * *

- d) a written statement detailing the case number, type of bankruptcy, the court it was filed before and summarizing the details of the indebtedness and arrangements for repayment,
- e) a certified copy of the "Notice of Bankruptcy" or its equivalent, and
- f) a certified copy of the "Order Discharging Debtor" or its equivalent.

14. Lord answered "No" to Background Information Question No. 3.

15. Lord has been the subject of bankruptcy petitions, as follows:

a. Lord filed for Chapter 13 protection in *In re: Raymond W. Lord*, No. 4:03-bk-52002 (U.S. Bankruptcy Ct. E.D. Mo.), filed September 9, 2003, dismissed April 14, 2004.

b. Lord filed for Chapter 13 protection in *In re: Raymond W. Lord*, No. 4:04-bk-47252 (U.S. Bankruptcy Ct. E.D. Mo.), filed June 3, 2004, dismissed August 6, 2004.

c. Lord filed for Chapter 13 protection in *In re: Raymond W. Lord*, No. 4:04-bk-51905 (U.S. Bankruptcy Ct. E.D. Mo.), filed September 20, 2004,

dismissed February 24, 2005.

d. Lord filed for Chapter 13 protection in *In re: Raymond W. Lord*, No. 4:05-bk-42740 (U.S. Bankruptcy Ct. E.D. Mo.), filed March 7, 2005, dismissed August 24, 2006.

e. Lord filed for Chapter 13 protection in *In re: Raymond W. Lord*, No. 4:11-bk-44493 (U.S. Bankruptcy Ct. E.D. Mo.), filed April 29, 2011, dismissed April 10, 2014.

f. Lord filed for Chapter 13 protection in *In re: Raymond Wesley Lord, II*, No. 4:15-bk-48767 (U.S. Bankruptcy Ct. E.D. Mo.), filed November 20, 2015, dismissed June 9, 2016. Lord filed this bankruptcy petition less than three (3) months before he filed his Application and the bankruptcy proceeding was pending when he filed his Application. The bankruptcy court dismissed this case for failure to make plan payments. *Id.*

In its order dismissing the bankruptcy case for failure to make plan payments, the court also indicated that “the automatic stays of 11 USC § 362 are hereby terminated.” *Id.* Pursuant to the local rules for the U.S. Bankruptcy Court for the Eastern District, a debtor has fourteen (14) days after entry of an order dismissing the case for failure to make plan payments to file a motion to reinstate and set aside the dismissal. L.R. 1017-3 (U.S. Bankruptcy Ct. E.D. Mo.). Under that rule, Lord had until June 23, 2016 to file such a motion; as of June 28, 2016, Lord had not done so. *In re: Raymond Wesley Lord, II*, No. 4:15-bk-48767 (U.S. Bankruptcy Ct. E.D. Mo.).

16. Background Information Question No. 4 of the Application asks, in relevant part:

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.”

17. Lord answered “No” to Background Information Question No. 4.

18. As previously stated, Lord filed his 2015 Voluntary Petition for Chapter 13 bankruptcy (“2015 Voluntary Petition”) on November 20, 2015. *In re: Raymond Wesley Lord, II*, No. 4:15-bk-48767 (U.S. Bankruptcy Ct. E.D. Mo.). Lord signed

his 2015 Voluntary Petition electronically more than once, declaring under penalty of perjury that the information contained in the 2015 Voluntary Petition, the schedules, and the statement of financial affairs was true and correct.

19. In Schedule E of the 2015 Voluntary Petition, entitled, “Creditors Holding Unsecured Priority Claims” (capitalization in original omitted), Lord listed two creditors – the Internal Revenue Service and the State of Illinois. Lord indicated that he owed the following:

Internal Revenue Service	Income Tax	2012	\$3,018.00
Internal Revenue Service	Income Tax	2014	\$505.00
Internal Revenue Service	Penalty for no Insurance	2014	\$7,023.06
			Total: \$10,546.06
State of Illinois	Income Tax	2013	\$296.41
State of Illinois	Income Tax	2014	\$489.89
			Total: \$786.30

In re: Raymond Wesley Lord, II, No. 4:15-bk-48767 (U.S. Bankruptcy Ct. E.D. Mo.).

20. The bankruptcy claim records in Lord’s most recent bankruptcy case reveal the following:
- a. The United States Department of Treasury, Internal Revenue Service (“IRS”), filed, under penalty of perjury, its claim that Lord owed \$10,897.95 in taxes.²
 - b. The State of Illinois filed, under penalty of perjury, its claim that Lord owed \$819.39 in taxes.

In re: Raymond Wesley Lord, II, No. 4:15-bk-48767 (U.S. Bankruptcy Ct. E.D. Mo.) (Claims Register and Proof of Claim forms).

² On the attachment to its proof of claim form, the IRS indicates that, of the amount Lord owes, \$505.00 is due for “excise” and \$0.75 is due for interest to petition date on that excise amount. On information and belief, this amount represents the amount owed under the Affordable Care Act for failure to have health insurance. See 26 U.S.C. § 5000A.

21. Lord submitted a Chapter 13 Plan (“Plan”) to the bankruptcy court outlining how he proposed to pay his debts. The Plan required Lord to make monthly payments to the court. The Plan also required the bankruptcy trustee to disburse the money that Lord paid to the court to various creditors, among them, the United States (\$10,546.06) and the State of Illinois (\$786.30), who held priority claims. The bankruptcy court certified and ordered the payment of the taxes by confirming Lord’s Plan. *In re: Raymond Wesley Lord, II*, No. 4:15-bk-48767 (U.S. Bankruptcy Ct. E.D. Mo.) (Chapter 13 Plan and Certification and Order of Confirmation for Chapter 13 Plan).
22. It is inferable, and hereby found as fact, that Lord failed to disclose his prior bankruptcies in his Application, and, in particular, his 2015 Voluntary Petition and bankruptcy, so that the Director would not discover the bankruptcies and his outstanding tax obligations to the United States and to the State of Illinois and in order to improve the chances that the Director would issue a license to him.
23. It is inferable, and hereby found as fact, that Lord failed to disclose his tax obligations in his Application in order to improve the chances that the Director would issue a license to him.
24. The Director is a state regulator of service contracts.

CONCLUSIONS OF LAW

25. Section 385.209.1, RSMo Supp. 2013,³ provides:

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:

* * *

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

* * *

³ All further civil statutory references are to RSMo Supp. 2013 unless otherwise indicated.

(5) Been convicted of any felony;

* * *

(7) Been found in violation of law by a court of competent jurisdiction in an action instituted by any officer of any state or the United States in any matter involving motor vehicle extended service contracts, financial services, investments, credit, insurance, banking, or finance;

* * *

(9) Been refused a license or had a license revoked or suspended by a state or federal regulator of service contracts, financial services, investments, credit, insurance, banking, or finance;

* * *

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

(14) Has within the last fifteen years been declared insolvent by the director or a motor vehicle extended service contract regulator of another state or has been the subject of a bankruptcy petition.

26. The Director may refuse to issue an MVESC producer license to Lord under § 385.209.1(3) because Lord attempted to obtain a license through material misrepresentation or fraud. In his Application, Lord answered “No” in response to Background Information Question No. 3 regarding whether he had ever been the subject of a bankruptcy proceeding. Lord did not disclose that he has been the subject of several bankruptcy proceedings, in 2003, twice in 2004, 2005, 2011, and 2015.

27. The Application required Lord to disclose each and every bankruptcy proceeding and to attach to his Application “a written statement detailing the case number, type of bankruptcy, the court it was filed before and summarizing the details of the indebtedness and arrangements for repayment” for each such bankruptcy proceeding. Further, and also for each bankruptcy, the Application required Lord to attach certified copies of the “Notice of Bankruptcy” or its equivalent and the “Order Discharging Debtor” or its equivalent.

28. Lord did not provide any such statements or certified or other records regarding any of his six (6) bankruptcy proceedings with his Application.
29. Since Lord was required to disclose each bankruptcy proceeding, the failure to disclose each one of his six (6) bankruptcies is a separate attempt to obtain a license through material misrepresentation or fraud under § 385.209.1(3).
30. The Director may refuse to issue an MVESC producer license to Lord under § 385.209.1(3) because Lord attempted to obtain a license through material misrepresentation or fraud. As noted, Background Information Question No. 4 of the Application asks, in part, "Have you failed to pay state or federal income tax?" Lord answered "No." But in his 2015 Voluntary Petition, Lord indicated, under oath, that he had outstanding income tax obligations to the United States and to the State of Illinois. Yet when asked on the Application about owing state or federal income taxes, Lord denied that he had any such tax debts.
31. The Application required Lord to disclose both state and federal tax debts owed and to provide a written explanation as to each and certified copies of various documents related to the taxes owed.
32. Lord did not provide any statement or certified or other records regarding his admitted tax debts owed to the United States and to the State of Illinois.
33. Since the Application required Lord to disclose both state and federal tax debts, the failure to disclose his federal tax debt and the failure to disclose his state tax debt are two (2) separate attempts to obtain a license through material misrepresentation or fraud under § 385.209.1(3).
34. In total, Lord made eight (8) total attempts to obtain a license through material misrepresentation or fraud. Each attempt constitutes a separate and sufficient ground under § 385.209.1(3) for the Director to refuse to issue Lord an MVESC producer license.
35. The Director may refuse to issue an MVESC producer license to Lord under § 385.209.1(5) because Lord has been convicted of two felonies, as follows:
 - a. On April 16, 2007, Lord pled guilty to the Class C Felony of Passing Bad Checks, in violation of § 570.120. The Court suspended the imposition of sentence and placed Lord on five years' probation. On May 19, 2008, the court revoked Lord's probation and sentenced Lord to three years' confinement. The court suspended the execution of sentence, placed Lord on five years' probation, and ordered 35 days of shock time and

restitution. *State v. Raymond W. Lord*, St. Charles Co. Cir. Ct., Case No. 0611-CR02360-01.

- b. On July 10, 2008, Lord pled guilty to the Class C felony of Theft/Stealing (Value of Property or Services is \$500 or More But Less than \$25,000), in violation of § 570.030. The court sentenced Lord to five years' incarceration, but suspended the execution of the sentence and placed Lord on supervised probation for three years, and ordered 30 days of shock time and 100 hours of community service. *State v. Raymond W. Lord*, St. Louis Co. Cir. Ct., Case No. 07SL-CR05936-01.
36. Each felony conviction constitutes a separate and sufficient ground under § 385.209.1(5) for the Director to refuse to issue Lord an MVEESC producer license.
37. The Director may refuse to issue an MVEESC producer license to Lord under § 385.209.1(7) because Lord has been found in violation of the law by a court of competent jurisdiction in an action instituted by any officer of any state or the United States in any matter involving motor vehicle extended service contracts, financial services, investments, credit, insurance, banking, or finance. In 2008, Lord pled guilty to the Class C Felony of Theft/Stealing (Value of Property or Services is \$500 or More But Less than \$25,000), based upon a theft from Brentwood Volvo, where Lord previously worked as a finance manager. More particularly, Lord stole two customer money orders, that the customer intended to be put towards the purchase of a car, but Lord took the money orders and used them to pay his own bills. The case was initiated by an Assistant Prosecuting Attorney for St. Louis County on behalf of the state and St. Louis County was a court of competent jurisdiction. Lord's conviction for stealing customer money orders, obtained while Lord worked as finance manager at a car dealership, involves financial services, credit, and finance.
38. The Director may refuse to issue an MVEESC producer license to Lord under § 385.209.1(7) because Lord has been found in violation of the law by a court of competent jurisdiction in an action instituted by any officer of any state or the United States in any matter involving motor vehicle extended service contracts, financial services, investments, credit, insurance, banking, or finance. In 2007, Lord pled guilty to the Class C Felony of Passing Bad Checks, based upon an incident where Lord wrote a check to a jewelry store for a diamond tennis bracelet for \$6,451.92, knowing that it would not be paid. The case was initiated by an Assistant Prosecuting Attorney for St. Charles County on behalf of the state and St. Charles County was a court of competent jurisdiction. Lord's conviction for passing a bad check involves financial services, banking, and finance.

39. The Director may refuse to issue an MVESC producer license to Lord under § 385.209.1(9) because Lord has previously been refused a license by a state regulator of service contracts. On March 14, 2012, in the 2012 Refusal Order, the Director, the Missouri state regulator of service contracts, refused to issue an MVESC producer license to Lord pursuant to § 385.209.1(5). *See* Exhibit A.
40. The Director may refuse to issue an MVESC producer license to Lord under § 385.209.1(13) because Lord failed to comply with administrative or court orders issued prior to his 2015 bankruptcy directing payment of state or federal income tax. Lord failed to satisfy his admitted tax obligations to both the State of Illinois and to the United States.
41. The Director may refuse to issue an MVESC producer license to Lord under § 385.209.1(13) because Lord failed to comply with an administrative or court order directing payment of state or federal income tax. Lord submitted his Plan to the bankruptcy court to pay his debts, and the bankruptcy court certified and ordered confirmation of this Plan. Under that Plan, Lord was required to pay the trustee monthly so that his tax debts to Illinois (\$786.30) and to the United States (\$10,546.06) could be paid in full. Lord failed to make payments according to the Plan; on June 9, 2016, the bankruptcy court dismissed Lord's 2015 Voluntary Petition for failure to make plan payments. By failing to comply with the bankruptcy court order directing Lord to pay the trustee so that Lord's tax debts could be paid in full, Lord failed to comply with an administrative or court order directing payment of state or federal income tax.
42. Each violation of an administrative or court order directing payment of state or federal tax constitutes a separate and sufficient ground for the Director to refuse to issue Lord an MVESC producer license under § 385.209.1(13).
43. The Director may refuse to issue an MVESC producer license to Lord under § 385.209.1(14) because Lord has been the subject of a bankruptcy petition six times: in 2003, twice in 2004, 2005, 2011, and 2015.
44. The above-described instances are grounds upon which the Director may refuse to issue Lord an MVESC producer license. Lord failed to disclose that he owed both state and federal income tax in his Application, even though he listed those debts on his 2015 Voluntary Petition and declared, under penalty of perjury, that such debts were true and accurate. The bankruptcy court dismissed the 2015 bankruptcy case because Lord failed to make plan payments; the trustee, therefore, could not pay Lord's tax debts in full as required by the bankruptcy court's order. Lord is still a twice-convicted felon, just as he was when he previously applied for

an MVESC producer license in 2011. In his 2012 Refusal Order, the Director refused to issue Lord a license based upon those felonies. Further, Lord's felony convictions, for stealing and passing a bad check, involved financial services, credit, banking, and finance, because Lord, while working as a finance manager at a car dealership, stole customer money orders, and Lord wrote a check for more than \$6,000.00, knowing that it would not be paid. Lord has been the subject of several bankruptcy petitions, in 2003, twice in 2004, 2005, 2011, and, most recently, in 2015, none of which he disclosed on his Application. Finally, Lord has previously been refused a license by a state regulator of service contracts. See Exhibit A (2012 Refusal Order).

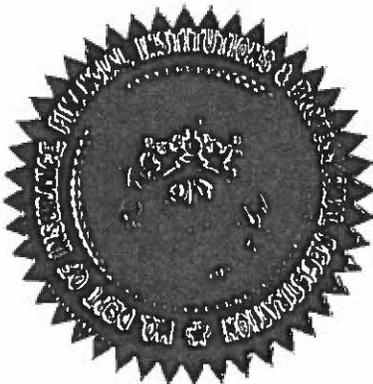
45. The Director has considered Lord's history and all of the circumstances surrounding Lord's Application. Issuing an MVESC producer license to Lord would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to issue Lord an MVESC producer license.
46. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the MVESC producer license Application of Raymond Wesley Lord, II is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 30TH **DAY OF** JUNE, 2016.




JOHN M. HUFF
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.

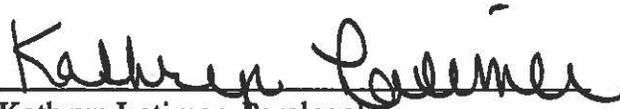
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, with signature required, at the following address:

Raymond Wesley Lord, II
1938 Williamstown Drive
St. Peters, Missouri 63376

Tracking No. 1ZOR15W84296826077



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



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE: Raymond W. Lord, II, Applicant. Case No. 12-0202127C

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On March 13, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Raymond W. Lord, II. 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. Raymond W. Lord, II, ("Lord") is a Missouri resident with a residential address of 1938 Williamstown Drive, St. Peters, Missouri 63376.
2. On December 2, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Lord's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Background Question No. 1 of the Application asks, in relevant part: "Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?"
4. Lord marked "Yes" to Question No. 1 and disclosed the following felony convictions:
a. On April 16, 2007, Lord pled guilty to the Class C felony of passing bad checks, in violation of § 570.120. The Court suspended the imposition of sentence and placed Lord on five years' probation. On May 19, 2008, the court revoked Lord's probation and sentenced Lord to three years' confinement. The court suspended the execution of the sentence, placed Lord on five years' probation, and ordered 35 days shock time and restitution. Lord is still on supervised probation. State v. Raymond W. Lord, St. Charles Co. Cir. Ct. No. 0611-CR02360-01.

- b. On July 10, 2008, Lord pled guilty to the Class C felony of Theft/Stealing (Value of Property or Services is \$500 or More But Less than \$25,000), in violation of §570.030. The court sentenced Lord to five years' incarceration, but suspended the execution of the sentence and placed Lord on supervised probation for three years, 30 days shock time, and ordered 100 hours of community service. *State v. Raymond W. Lord*, St. Louis Co. Cir. Ct. No. 07SL-CR05936-01.

CONCLUSIONS OF LAW

5. Section 385.209 RSMo (Supp. 2011) 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:

* * *

(5) Been convicted of any felony[.]
6. Just as the principal purpose of § 375.141, the insurance producer disciplinary statute, is not to punish licensees or applicants, but to protect the public, *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984), the purpose of § 385.209 is not to punish applicants for a motor vehicle extended service contract producer license, but to protect the public.
7. Lord may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of two felonies. Each felony is a separate and sufficient ground to refuse his license Application:
- a. *State v. Raymond W. Lord*, St. Charles Co. Cir. Ct. No. 0611-CR02360-01 (Class C felony of passing bad checks, in violation of § 570.120).
 - b. *State v. Raymond W. Lord*, St. Louis Co. Cir. Ct. No. 07SL-CR05936-01 (Class C felony of Theft/Stealing (Value of Property or Services is \$500 or More But Less than \$25,000) in violation of § 570.030).
8. Lord has been convicted of two felonies, both of which involved theft and dishonesty. Either felony is a sufficient ground to refuse Lord a MVESC license. Granting Lord a MVESC producer license would not be in the interest of the public.

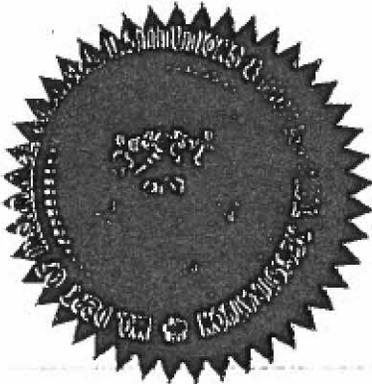
9. The Director has considered Lord's history and all of the circumstances surrounding his application. Granting Lord a motor vehicle service contract producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse Lord's motor vehicle extended service contract producer license.
10. The order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service producer license application of **Raymond W. Lord, II**, is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 14th DAY OF MARCH, 2012.




JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

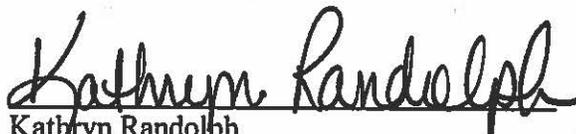
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 14th day of March, 2012 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following address:

Raymond W. Lord, II
1938 Williamstown Drive
St. Peters, Missouri 63376

Certified No. 7009 3410 0001 8931 2677



Kathryn Randolph
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.randolph@insurance.mo.gov