



State of Missouri

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

IN RE:)
)
STACY LYNN RICHARD,) **Case No. 1812121003C**
)
Applicant.)

ORDER REFUSING TO ISSUE
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On January 8, 2019, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the motor vehicle extended service contract producer license application of Stacy Lynn Richard. 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. Stacy Lynn Richard, née Nielsen (“Richard”) is a Missouri resident with an address of 1208 North 3rd Street, Saint Charles, Missouri 63301-2110.
2. On or about January 20, 2015, pursuant to an earlier guilty plea, Richard was convicted of Leaving the Scene of a Motor Vehicle Accident, a class D felony in violation of § 577.060.¹ The court sentenced her to three years’ incarceration, but suspended execution of the sentence and ordered Richard to complete five years’ supervised probation. *State v. Stacy Lynn Nielsen*, St. Charles Co. Cir. Ct., Case No. 1311-CR04158-01 (“*Nielsen I*”).
3. Also on or about January 20, 2015, Richard pled guilty to, and was convicted of, Driving While Intoxicated - Persistent Offender, a class D felony in violation of § 577.010. The court sentenced her to four years’ incarceration, but suspended execution of the sentence and ordered Richard to complete five years’ supervised probation. *State v. Stacy Lynn Nielsen*, St. Charles Co. Cir. Ct., Case No. 1411-CR06519-01 (“*Nielsen II*”).
4. On November 14, 2018 the Department of Insurance, Financial Institutions and Professional Registration received Richard’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).

¹ All criminal statutory citations are to the version of the Missouri Revised Statutes in effect at the time of the offense.

5. The "Applicant's Certification and Attestation" section of the Application states in pertinent 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.

6. Richard accepted the "Applicant's Certification and Attestation" section of the Application by her notarized signature dated November 2, 2018.
7. Richard responded "Yes" to Background Information Question 1 of the Application, which asked 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.
8. With the Application, Richard provided documents and information about one prosecution: On or about May 4, 2018, she pled guilty to, and was convicted of, two counts of Delivery of a Controlled Substance Except 35 Grams or Less of Marijuana, a class C felony in violation of § 579.020. The court sentenced Richard to five years' incarceration, but suspended execution of the sentence and ordered her to complete five years' supervised probation. *State v. Stacy Lynn Richard*, St. Charles Co. Cir. Ct., Case No. 1711-CR04301-01.
 9. Richard did not provide any documents or information about *Nielsen I* or *Nielsen II*.
 10. Richard responded "N.A." to the section of the Application that asks for "all other assumed, fictitious, alias, maiden or trade names you have used in the past."
 11. It is inferable, and hereby found as fact, that Richard failed to disclose the prosecutions of *Nielsen I* and *Nielsen II* in order to materially misrepresent to the Director the extent of her criminal record and thereby improve the chance that her Application would be

approved and she would be granted a motor vehicle extended service contract (“MVESC”) producer license.

CONCLUSIONS OF LAW

12. Section 385.209.1² 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:

* * *

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

* * *

(5) Been convicted of any felony[.]

13. The Director may refuse to issue Richard a MVESC producer license pursuant to § 385.209.1(3) because she attempted to obtain a license through material misrepresentation or fraud by not disclosing the prosecutions of *Nielsen I* and *Nielsen II* as required by her Application.

14. The Director may refuse to issue Richard a MVESC producer license pursuant to § 385.209.1(5) because she has been convicted of four felonies, specifically:

- a. Leaving the Scene of a Motor Vehicle Accident, *Nielsen I*;
- b. Driving While Intoxicated - Persistent Offender, *Nielsen II*;
- c. Delivery of a Controlled Substance Except 35 Grams or Less of Marijuana, *State v. Stacy Lynn Richard*, St. Charles Co. Cir. Ct., Case No. 1711-CR04301-01; and
- d. Delivery of a Controlled Substance Except 35 Grams or Less of Marijuana, *id.*

15. Each of Richard’s felony convictions is a separate and sufficient ground for refusal pursuant to § 385.209.1(5).

² All civil statutory references are to the 2016 Missouri Revised Statutes.

- 16. The Director has considered Richard's history and all of the circumstances surrounding Richard's Application. Issuing Richard a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Richard 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 **Stacy Lynn Richard** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 19th DAY OF AUGUST, 2019.

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.

[The remainder of this page intentionally left blank]

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August, 2019, 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:

Stacy Lynn Richard
1208 North 3rd Street
Saint Charles, Missouri 63301-2110

No. 1Z0R15W8A898244522



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: Kimberly.Landers@insurance.mo.gov