



**DEPARTMENT OF COMMERCE AND INSURANCE**

P.O. Box 690, Jefferson City, Mo. 65102-0690

**IN RE:**

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	)	
<b>Albert Lawrence Rivas,</b>	)	<b>Case No. 2305090688C</b>
	)	
<b>Applicant.</b>	)	

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

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance (“Department”), takes up the above matter for consideration and disposition. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Albert Lawrence Rivas (“Rivas”) is an Arizona resident with a residential and mailing address of 8950 North Valhalla Drive, Tucson, Arizona 85743, and a business address of 4800 Mexico Road, Suite 200, St. Peters, Missouri 63376.
2. On or about August 11, 2022, the Department received Rivas’ motor vehicle extended service contract producer license application (“Application”).
3. Background Information Question 1B of the Application asks, in relevant part:  
  
Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?
4. Rivas answered “Yes” to Background Information Question 1B on his Application.

5. Rivas provided a letter with his Application stating that he had been charged with two felonies. Rivas provided a copy of an Indictment charging him with two counts of Sexual Conduct with a Minor under Fifteen, a Class Two Felony, A Dangerous Crime Against Children, on December 9, 2004, in the Pima County Superior Court of Arizona, as well as an Order of Discharge from Probation dated June 6, 2011. *State of Arizona v. Albert Lawrence Rivas*, Pima County Cir. Ct., Case No. CR-20044651. Rivas did not provide any other court records regarding the charges he referenced in his letter.
6. On or about August 17, 2022, Department Special Investigator Kevin Davidson (“Davidson”) sent an inquiry letter to Rivas at his residential and mailing address requesting that he provide a certified copy of the Sentence and Judgment from the cases he referenced in his application and letter. Davidson indicated that Rivas’ response was due in twenty days, and that a failure to respond could be a violation of the law and a ground for license discipline.
7. The August 17, 2022 inquiry letter was not returned to the Division as undeliverable, so it is presumed that Rivas received it.
8. Rivas did not respond to the Division’s August 17, 2022 inquiry letter and did not demonstrate reasonable justification for any delay.
9. On November 15, 2022, Davidson sent a second inquiry letter to Rivas at his residential and mailing address. In the second inquiry letter, Davidson again requested Rivas to provide a certified copy of the Sentence and Judgment from the cases he referenced in his application and letter. Davidson indicated that Rivas’ response was due in twenty days, and that a failure to respond could be a violation of the law and a ground for license discipline.
10. The November 15, 2022 inquiry letter was not returned to the Division as undeliverable, so it is presumed that Rivas received it.
11. Rivas did not respond to the November 15, 2022 inquiry letter and he did not demonstrate reasonable justification for any delay.
12. The Department obtained certified court documents regarding Rivas by requesting those documents from the Superior Court of Pima County, Arizona.

13. Court records regarding Rivas state as follows:

On or about May 2, 2006, the Court found Rivas guilty and imposed a suspended imposition of sentence for the crime of Kidnapping in the Second Degree, a Minor Under the Age of Fifteen, Preparatory Dangerous Crime Against Children, a Class 3 Felony, in violation of A.R.S. §§ 13-1304; 13-604.01; and 12-118. *State of Arizona v. Albert Lawrence Rivas*, Pima County Cir. Ct., Case No. CR-20044651.

#### CONCLUSIONS OF LAW

14. Section 385.209.1<sup>1</sup> provides, in relevant 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[.]

15. Rule 20 CSR 100-4.100(2)(A) states, in relevant part:

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 determines the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction is deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay[.]

16. The Director may refuse to issue a motor vehicle extended service contract producer license to Rivas pursuant to § 385.209.1(2) because Rivas violated 20 CSR 100-4.100(2)(A), a rule of the Director, in that Rivas failed to respond to two written inquiry letters from the Division from August 17, 2022, and November 15, 2022, respectively, and on both occasions Rivas failed to demonstrate any reasonable justification for the delay.

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<sup>1</sup> All civil statutory references are to the Revised Statutes of Missouri 2016, unless otherwise indicated.

17. 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 under § 385.209.1(2).
18. The above-described instances are grounds upon which the Director may refuse to issue Rivas a motor vehicle extended service contract producer license.
19. The Director has considered Rivas' history and all of the circumstances surrounding Rivas' Application. Issuing Rivas a motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Rivas a motor vehicle extended service contract producer license.
20. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license Application of **ALBERT LAWRENCE RIVAS** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 24<sup>th</sup> DAY OF JULY, 2023.



*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.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 25<sup>th</sup> day of July, 2023, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Albert Lawrence Rivas  
8950 North Valhalla Drive  
Tucson, Arizona 85743

Tracking No. 1ZOR15W84293963504



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