



**FINAL ORDER**  
**EFFECTIVE**  
**05-07-2018**

**State of Missouri**

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

**IN RE:**

**RYAN MICHAEL BATES,**

**Applicant.**

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**Case No. 171107440C**

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

On January 17, 2018, the Division of Consumer Affairs (“Division”), through counsel, submitted a Petition to the Director of the Department of Insurance, Financial Institutions and Professional Registration (“Director” of the “Department”) alleging cause for refusing to issue a motor vehicle extended service contract producer license to Ryan Michael Bates. After reviewing the Petition, the Investigative Report, and relevant documents, the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Ryan Michael Bates (“Bates”) is a Missouri resident with a residential and mailing address of 3665 Arpent Street #3, St. Charles, Missouri 63301.
2. On July 17, 2002, Bates pled guilty to Stealing, a Class A Misdemeanor, in violation of § 570.030.<sup>1</sup> The court suspended the imposition of sentence and ordered Bates to complete two (2) years’ supervised probation, twenty (20) hours’ community service, and pay restitution in the amount of \$69.99. On May 17, 2004, the court revoked Bates’s probation and sentenced him to fifteen (15) days’ incarceration. *State v. Ryan Michael Bates*, St. Charles Co. Cir. Ct., Case No. 02CR126892.
3. On December 29, 2006, a Judgment and Order was entered that ordered Bates to pay \$384.50 per month for the support of one minor child, effective August 7, 2006. *State v. Ryan M. Bates*, St. Charles Co. Cir. Ct., Case No. 0611-FC02229.
4. On September 17, 2007, Bates pled guilty to, and was convicted of, Possession of up to 35 Grams Marijuana, a Class A Misdemeanor, in violation of § 195.202 and Unlawful Use of Drug Paraphernalia, a Class A Misdemeanor, in violation of § 195.233. The court ordered Bates to pay a \$250.00 fine for each offense. *State v. Ryan Michael Bates*, St.

<sup>1</sup> All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri under which the court rendered judgment.

Charles Co. Cir. Ct., Case No. 0711-CR04678.

5. On November 5, 2007, Bates pled guilty to, and was convicted of, Assault in the Third Degree of a Law Enforcement Officer, a Class A Misdemeanor, in violation of § 565.083, Resisting Arrest, a Class A Misdemeanor, in violation of § 575.150, and Property Damage in the Second Degree, a Class B Misdemeanor, in violation of § 569.120. The court sentenced Bates to one (1) year of incarceration, but suspended the execution of sentence and placed Bates on two (2) years' supervised probation. The court also ordered Bates to complete forty (40) hours' community service and pay restitution in the amount of \$212.05. *State v. Ryan Michael Bates*, St. Charles Co. Cir. Ct., Case No. 0611-CR00745.
6. On October 6, 2008, Bates pled guilty to Criminal Non-Support, a Class A Misdemeanor, in violation of § 568.040. The court suspended the imposition of sentence and ordered Bates to complete two (2) years' unsupervised probation. The court further ordered Bates to pay his current child support obligation and, beginning in April 2009, pay an additional \$25.00 per month towards the child support arrears owed. On December 2, 2009, the court revoked Bates's probation and sentenced him to one (1) year of incarceration, but suspended the execution of the sentence and ordered Bates to complete one (1) year of supervised probation, pay current child support, and pay an additional \$25.00 per month toward the child support arrears owed. *State v. Ryan M. Bates*, St. Charles Co. Cir. Ct., Case No. 0811-CR01240-01.
7. On January 19, 2012, the Department received Bates's Application for Motor Vehicle Extended Service Contract Producer License ("2012 Application").
8. The "Applicant's Certification and Attestation" section of the 2012 Application states, 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.
9. Bates accepted the "Applicant's Certification and Attestation" section by signing the 2012 Application under oath and before a notary public on January 13, 2012.

10. Background Question No. 1 of the 2012 Application asked:

Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?

“Crime” includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. “Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

“Had a judgement withheld or deferred” includes circumstances in which a guilty plea was entered and/or a finding of guilt is made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an “SIS” or “SES”).

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

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgement.

11. Bates answered “No” in response to Background Question No. 1 on his 2012 Application. Contrary to his response, Bates had been convicted of seven (7) misdemeanors: Stealing, Possession of up to 35 Grams Marijuana, Unlawful Use of Drug Paraphernalia, Assault in the Third Degree of a Law Enforcement Officer, Resisting Arrest, Property Damage in the Second Degree, and Criminal Non-Support.

12. Background Question No. 7 of the 2012 Application asked:

Do you have a child support obligation in arrearage?

If you answer yes:

- a) by how many months are you in arrearage?
- 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 payment plan from the appropriate state child support agency.)

13. Bates answered “No” in response to Background Question No. 7 on his 2012

Application. Contrary to his response, Bates had a child support obligation that was \$12,760.92 in arrears in January 2012, which is when Bates signed his 2012 Application and attested that his 2012 Application was true and complete.

14. Relying on Bates's misrepresentations on his 2012 Application, the Director issued a motor vehicle extended service contract ("MVESC") producer license, License No. 8099724, to Bates on February 6, 2012.
15. On February 4, 2014, the Department received Bates's completed Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2014 Application").
16. The "Applicant's Certification and Attestation" section of the 2014 Application states, 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.

\* \* \*

5. 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 the information and documentation requested in Background Information Question [7].
17. Bates accepted the "Applicant's Certification and Attestation" section by signing the 2014 Application under oath and before a notary public on January 14, 2014.
18. Prior to January 14, 2014, Bates had not reported any criminal history to the Department.
19. Background Question No. 1 of the 2014 Application asked:

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?

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while

intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

“Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

“Had a judgment withheld or deferred” includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an “SIS” or “SES”).

Unless excluded by the language above, you must disclose convictions that have been expunged.

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.

20. Bates answered “No” in response to Background Question No. 1 on his 2014 Application. Contrary to his response, Bates once again failed to report his seven (7) misdemeanor convictions.

21. Background Question No. 7 of the 2014 Application asked:

Do you currently have or have you had a child support obligation, which has not been previously reported to this insurance department?

If you answer yes:

- a) are you in arrearage?
- b) by how many months are you in arrearage? \_\_\_\_\_ months
- 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?

22. Bates answered "No" in response to Background Question No. 7 and all subparts of Background Question No. 7 on his 2014 Application. Contrary to his answer, Bates had a child support obligation that he had not previously reported to the Department, and for which he was convicted of Criminal Non-Support. Said obligation was \$8,635.87 in arrears in January 2014, which is when Bates signed his 2014 Application and attested that his 2014 Application was true and complete.
23. During its investigation of the 2014 Application, the Division discovered Bates's misdemeanor convictions for Stealing, Possession of up to 35 Grams Marijuana, Unlawful Use of Drug Paraphernalia, Assault in the Third Degree of a Law Enforcement Officer, Property Damage in the Second Degree, and Resisting Arrest. As a result, the Division issued a Voluntary Forfeiture Agreement, in which Bates acknowledged and admitted that he failed to disclose these misdemeanor convictions and agreed to pay \$250.00 to the State School Moneys Fund. The Voluntary Forfeiture Agreement did not reference Bates's misdemeanor conviction for Criminal Non-Support or his child support arrearage.
24. After receiving the signed Voluntary Forfeiture Agreement and payment from Bates, the Director renewed Bates's MVESC producer license on March 4, 2014.
25. Bates's MVESC producer license expired March 3, 2016.
26. On June 14, 2016, the Department received Bates's Application for Motor Vehicle Extended Service Contract Producer License ("2016 Application").
27. The "Applicant's Certification and Attestation" section of the 2016 Application states, 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.

\* \* \*

5. 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 the information and documentation requested in Background Information Question [7].

28. Bates accepted the "Applicant's Certification and Attestation" section by signing the 2016 Application under oath and before a notary public on May 26, 2016.

29. The portion of the 2016 Application titled "Employment History" requests the following information, in relevant part:

Account for all time for the past five years. List all employment experience starting with your current employer working back five years.

30. In response, Bates admitted he had been working as a "Sales Representative" for "United Repair Programs" in St. Charles, Missouri from September 2015 to May 2016.

31. United Repair Programs, LLC, located in St. Charles, Missouri, is licensed by the Department as a MVESC business entity producer, License Number 8088481, to sell, offer, negotiate, or solicit motor vehicle extended service contracts.

32. Based on his 2016 Application, Bates, from March 2016 to May 2016, engaged in selling, offering, negotiating, or soliciting motor vehicle extended service contracts with consumers, in or from this state, without a MVESC producer license.

33. Background Question No. 1 of the 2016 Application asked:

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?

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of

sentence—sometimes called an “SIS” or “SES”).

Unless excluded by the language above, you must disclose convictions that have been expunged.

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.

34. Bates answered “Yes” in response to Background Question No. 1 and disclosed six (6) of his misdemeanor convictions: Stealing, Possession of up to 35 Grams Marijuana, Unlawful Use of Drug Paraphernalia, Assault in the Third Degree of a Law Enforcement Officer, Resisting Arrest, and Property Damage in the Second Degree.
35. Bates failed to disclose his misdemeanor conviction for Criminal Non-Support in response to Background Question No. 1.
36. Background Question No. 2 of the 2016 Application asked:

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?

“Involved” means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, a voluntary forfeiture, a cease and desist order, a prohibition order, a consent order, or being placed on probation. “Involved” also includes the act of surrendering a license to resolve an administrative proceeding or action. “Involved” also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license or is related to the lack of such license. “Involved” also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions or because of your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

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.

37. Bates answered "No" in response to Background Question No. 2 on his 2016 Application and failed to disclose his Voluntary Forfeiture Agreement.

38. Background Question No. 7 of the 2016 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? \_\_\_\_ months
- 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?

39. In response to Background Question No. 7, Bates answered that he does have a child support obligation, but that he is not in arrearage, he is not subject to a repayment plan to cure an arrearage, he is not the subject of a child support related subpoena/warrant, and he has not been convicted of a misdemeanor or felony for failure to pay child support.

40. Contrary to Bates's sworn representations on his 2016 Application, the Division's investigation revealed that Bates's child support obligation was in arrearage. As of May 2016, when Bates signed his 2016 Application and attested that his 2016 Application was true and complete, Bates owed \$7,243.55 in child support arrears. As of March 2017, Bates's arrearage totaled approximately \$8,130.62. *State v. Ryan M. Bates*, St. Charles Co. Cir. Ct., Case No. 0611-FC02229.

41. Bates failed to disclose, in response to Background Question No. 7, that he has been convicted of a misdemeanor for failure to pay child support. On December 2, 2009, Bates was convicted of Criminal Non-Support, a Class A Misdemeanor, in *State v. Ryan M. Bates*, St. Charles Co. Cir. Ct., Case No. 0811-CR01240-01.

42. On June 14, 2017, the Director of the Department issued an Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License ("2017 Refusal Order") to

Bates. The Director found that grounds existed to refuse Bates's 2016 Application pursuant to § 385.209.1(1), (2), (3), (11), and (12) RSMo (Supp. 2013)<sup>2</sup> as follows:

- a. Section 385.209.1(2) because Bates filed an application for license in this state within the previous ten (10) years which, as of the effective date of the license, was incomplete in a material respect or contained incorrect, misleading, or untrue information. Bates's "No" answers to Background Question Nos. 1 and 7 on his 2012 Application and 2014 Application constituted incorrect, misleading and untrue information, and rendered both Applications incomplete in material respects.
- b. Each instance in which Bates filed an application for license in this state within the previous ten (10) years that was incomplete in a material respect or contained incorrect, misleading, or untrue information was a separate and sufficient ground for refusal pursuant to §385.209.1(1).
- c. Section 385.209.1(2) because Bates violated a provision in §§ 385.200 to 385.220, namely § 385.206.1(6), when he unlawfully, in or from this state, sold, offered, negotiated, or solicited motor vehicle extended service contracts with consumers without a license from March 2016 to May 2016, during his employment with United Repair Programs, LLC.
- d. Section 385.209.1(3) because Bates obtained a MVESC producer license through material misrepresentation or fraud in that he failed to disclose his criminal history in response to Background Question No. 1 and failed to disclose his child support obligation in response to Background Question No. 7 on his 2012 Application.
- e. Section 385.209.1(3) because Bates attempted to obtain a MVESC producer license through material misrepresentation or fraud in that he failed to disclose his criminal history in response to Background Question No. 1 and failed to disclose his child support obligation and misdemeanor conviction for Criminal Non-Support in response to Background Question No. 7 on his 2014 Application.
- f. Section 385.209.1(3) because Bates attempted to obtain a MVESC producer license through material misrepresentation or fraud in that he failed to disclose his full criminal history in response to Background Question No. 1, failed to disclose his administrative action in response to Background Question No. 2, and failed to disclose his child support arrearage and misdemeanor conviction for Criminal Non-Support in response to Background Question No. 7 on his 2016 Application.
- g. Each instance in which Bates obtained or attempted to obtain a license through material misrepresentation or fraud was a separate and sufficient ground for refusal pursuant to § 385.209.1(3).

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<sup>2</sup> All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise noted.

- h. Section 385.209.1(11) because Bates unlawfully acted as a producer without a license when he, in or from this state, sold, offered, negotiated, or solicited motor vehicle extended service contracts with consumers from March 2016 to May 2016 during his employment with United Repair Programs, LLC.
- i. Section 385.209.1(12) because Bates failed to comply with an administrative or court order imposing a child support obligation, as evidenced by the arrearage he owes in *State v. Ryan M. Bates*, St. Charles Co. Cir. Ct., Case No. 0611-FC02229.

*In Re: Ryan Michael Bates*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 160817386C (June 14, 2017).

- 43. Bates did not appeal the 2017 Refusal Order to the Administrative Hearing Commission, and therefore, the 2017 Refusal Order is final.
- 44. On March 27, 2017, the Department received Bates's Application for Motor Vehicle Extended Service Contract Producer License ("2017 Application").
- 45. The "Applicant's Certification and Attestation" section of the 2017 Application states, 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.

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- 5. 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 the information and documentation requested in Background Information Question [7].
- 46. Bates accepted the "Applicant's Certification and Attestation" section by signing the 2017 Application under oath and before a notary public on March 13, 2017.
- 47. The portion of the 2017 Application titled "Employment History" requested the following information, in relevant part:

Account for all time for the past five years. List all employment experience starting with your current employer working back five years.

48. In response, Bates admits he had been working as a “Sales Representative” for United Repair Programs, licensed by the Department as a MVESC business entity producer in St. Charles, Missouri, from September 2015 to August 2016.
49. Based on his 2017 Application, Bates, from March 2016 to August 2016, engaged in selling, offering, negotiating, or soliciting motor vehicle extended service contracts with consumers, in or from this state, without a MVESC producer license.
50. On his 2017 Application, Bates disclosed and provided documentation regarding his complete criminal history.
51. Background Question No. 2 of the 2017 Application asked:

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?

“Involved” means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, a voluntary forfeiture, a cease and desist order, a prohibition order, a consent order, or being placed on probation. “Involved” also includes the act of surrendering a license to resolve an administrative proceeding or action. “Involved” also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license or is related to the lack of such license. “Involved” also means having a license application denied or the act of withdrawing an application to avoid a denial. You must **INCLUDE** any business so named because of your actions or because of your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may **EXCLUDE** terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

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.
52. Bates answered “No” in response to Background Question No. 2 on his 2017 Application and failed to disclose his Voluntary Forfeiture Agreement.

53. Background Question No. 7 of the 2017 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? \_\_\_\_ months
- 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?

54. On his 2017 Application, Bates answered “Yes” to Background Question No. 7 and all subparts and indicated he is 96 months in arrears with a total amount of arrearage of \$6,829.00.

55. Although Bates answered affirmatively to subparts d) and e) of Background Question No. 7 that he is in compliance with a child support arrearage repayment agreement, Bates failed to provide documentation showing an approved repayment plan and proof of current payments from the appropriate state child support agency.

56. According to the records of the Family Support Division, Child Support Enforcement, Missouri Department of Social Services, as of January 2, 2018, Bates’s arrearage totaled \$8,430.57. *State v. Ryan M. Bates*, St. Charles Co. Cir. Ct., Case No. 0611-FC02229 (Administrative Case No. 21098944). As of March 2017, when Bates signed his 2017 Application and attested that his 2017 Application was true and complete, Bates’s arrearage totaled approximately \$8,130.62. *In Re: Ryan Michael Bates*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 160817386C (June 14, 2017).

57. It is inferable that Bates failed to disclose his previous administrative proceeding on his 2017 Application in order to misrepresent to the Director that he was a new applicant without the history of a Voluntary Forfeiture Agreement, and accordingly, in order to improve the chances that the Director would approve his 2017 Application and issue him a MVESC producer license.

58. It is further inferable that Bates answered affirmatively to subparts d) and e) of Background Question No. 7 on the 2017 Application that he is in compliance with a child support arrearage repayment agreement and failed to provide documentation showing an approved repayment plan and proof of current payments from the appropriate state child support agency in order to misrepresent to the Director that he was in compliance with his child support obligation, and accordingly, in order to improve the chances that the Director would approve his 2017 Application and issue him a MVESC producer license.

**CONCLUSIONS OF LAW**

59. Section 385.209 RSMo (Supp. 2013)<sup>3</sup> states, 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:

(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;

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

\* \* \*

(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

\* \* \*

(11) Unlawfully acted as a producer without a license; [or]

(12) Failed to comply with an administrative or court order imposing a child support obligation[.]

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<sup>3</sup> All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise indicated.

60. Section 385.206 RSMo provides, in part:

1. It is unlawful for any person in or from this state to sell, offer, negotiate, or solicit a motor vehicle extended service contract with a consumer, other than the following:

\* \* \*

(6) A business entity producer or individual producer licensed under section 385.207[.]

61. Section 385.207.3 RSMo provides:

3. An individual, prior to selling, offering, negotiating, or soliciting a motor vehicle extended service contract with a consumer under subdivision (6) of subsection 1 of section 385.206, shall apply for and obtain licensure with the director as an individual producer in accordance with this section.

62. Collateral estoppel “is used to preclude the relitigation of an issue that already has been decided in a different cause of action.” *Brown v. Carnahan*, 370 S.W.3d 637, 658 (Mo. banc 2012) (citation omitted).

63. The Director may refuse to issue a MVESC producer license to Bates pursuant to § 385.209.1(1) because Bates filed applications for license in this state within the previous ten (10) years which, as of the effective date of the license, were incomplete in a material respect or contained incorrect, misleading, or untrue information. Bates’s “No” answers to Background Question Nos. 1 and 7 on his 2012 Application and 2014 Application constituted incorrect, misleading and untrue information, and rendered both Applications incomplete in material respects. *In Re: Ryan Michael Bates*, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 160817386C.

64. Each instance in which Bates filed an application for license in this state within the previous ten (10) years that was incomplete in a material respect or contained incorrect, misleading, or untrue information is a separate and sufficient ground for refusal pursuant to § 385.209.1(1).

65. The Director may refuse to issue a MVESC producer license to Bates pursuant to § 385.209.1(2) because Bates violated a provision in §§ 385.200 to 385.220, namely § 385.206.1(6), when he unlawfully, in or from this state, sold, offered, negotiated, or solicited motor vehicle extended service contracts with consumers without a license from March 2016 to May 2016, during his employment with United Repair Programs, LLC. *Id.*

66. The Director may refuse to issue a MVESC producer license to Bates pursuant to § 385.209.1(2) because Bates violated a provision in §§ 385.200 to 385.220, namely § 385.206.1(6), when he unlawfully, in or from this state, sold, offered, negotiated, or

solicited motor vehicle extended service contracts with consumers without a license from June 2016 to August 2016, during his employment with United Repair Programs, LLC.

67. The Director may refuse to issue a MVESC producer license to Bates pursuant to § 385.209.1(3) because Bates obtained a MVESC producer license through material misrepresentation or fraud in that he failed to disclose his criminal history in response to Background Question No. 1 and failed to disclose his child support obligation in response to Background Question No. 7 on his 2012 Application. *In Re: Ryan Michael Bates, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 160817386C.*
68. The Director may refuse to issue a MVESC producer license to Bates pursuant to § 385.209.1(3) because Bates attempted to obtain a MVESC producer license through material misrepresentation or fraud in that he failed to disclose his criminal history in response to Background Question No. 1 and failed to disclose his child support obligation and misdemeanor conviction for Criminal Non-Support in response to Background Question No. 7 on his 2014 Application. *Id.*
69. The Director may refuse to issue a MVESC producer license to Bates pursuant to § 385.209.1(3) because Bates attempted to obtain a MVESC producer license through material misrepresentation or fraud in that he failed to disclose his full criminal history in response to Background Question No. 1, failed to disclose his administrative action in response to Background Question No. 2, and failed to disclose his child support arrearage and misdemeanor conviction for Criminal Non-Support in response to Background Question No. 7 on his 2016 Application. *Id.*
70. The Director may refuse to issue a MVESC producer license to Bates pursuant to § 385.209.1(3) because Bates attempted to obtain a MVESC producer license through material misrepresentation or fraud in that he failed to disclose his administrative action in response to Background Question No. 2 and failed to provide documentation showing an approved repayment plan and proof of current payments from the appropriate state child support agency in response to Background Question No. 7 on his 2017 Application.
71. Each instance in which Bates obtained or attempted to obtain a license through material misrepresentation or fraud is a separate and sufficient ground for refusal pursuant to § 385.209.1(3).
72. The Director may refuse to issue a MVESC producer license to Bates under § 385.209.1(9) because Bates has been refused a license by a state regulator (the Director) of service contracts. *In Re: Ryan Michael Bates, Order Refusing to Issue Motor Vehicle Extended Service Contract Producer License, Case No. 160817386C.*
73. The Director may refuse to issue a MVESC producer license to Bates pursuant to § 385.209.1(11) because Bates unlawfully acted as a producer without a license when he, in or from this state, sold, offered, negotiated, or solicited motor vehicle extended service contracts with consumers from March 2016 to May 2016 during his employment with

United Repair Programs, LLC. *Id.*

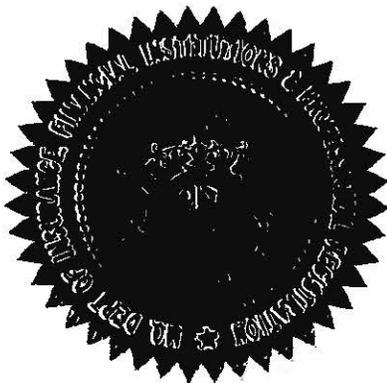
74. The Director may refuse to issue a MVESC producer license to Bates pursuant to § 385.209.1(11) because Bates unlawfully acted as a producer without a license when he, in or from this state, sold, offered, negotiated, or solicited motor vehicle extended service contracts with consumers from June 2016 to August 2016 during his employment with United Repair Programs, LLC.
75. The Director may refuse to issue a MVESC producer license to Bates pursuant to § 385.209.1(12) because Bates failed to comply with an administrative or court order imposing a child support obligation as evidenced by the arrearage he owes in *State v. Ryan M. Bates*, St. Charles Co. Cir. Ct., Case No. 0611-FC02229 (Administrative Case No. 21098944).
76. The Director has considered Bates's history and all of the circumstances surrounding Bates's 2017 Application. Granting Bates a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue a MVESC producer license to Bates.
77. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the 2017 Application of **Ryan Michael Bates** for a motor vehicle extended service contract producer license is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 22<sup>nd</sup> DAY OF February, 2018.



*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.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of February, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Ryan Michael Bates  
3665 Arpent Street #3  
St. Charles, Missouri 63301

Tracking No. 1Z0R15W84299730067

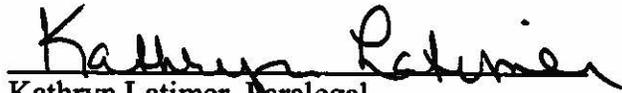
  
Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.6515  
Facsimile: 573.526.5492  
Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of March, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following address:

Ryan Michael Bates  
3665 Arpent Street #3  
St. Charles, Missouri 63301

Certified No. 7016 0340 0001 1319 8545



Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: 573.751.6515  
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 6th day of April, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, at the following address:

Ryan Michael Bates  
3665 Arpent Street #3  
St. Charles, Missouri 63301

  
\_\_\_\_\_  
Kathryn Latimer, Paralegal  
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Institutions and Professional Registration  
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