



**State of Missouri**  
**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND**  
**PROFESSIONAL REGISTRATION**

**IN RE:** )  
 )  
**SAMANTHA BREANNE WATSON,** ) **Case No. 171002383C**  
 )  
**Applicant.** )

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

On October 17, 2017, 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 Samantha Breanne Watson. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues the following findings of fact, conclusions of law and order:

**FINDINGS OF FACT**

1. Samantha Breanne Watson ("Watson") is a Missouri resident with a residential and mailing address of 2009 N. 3<sup>rd</sup> Street, St. Charles, Missouri 63301.
2. On June 16, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Watson's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Background Information Question Number 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?
4. Watson answered "No" to Background Information Question Number 1 on her Application.
5. The Division's investigation revealed that Watson had, in fact, previously received a suspended imposition of sentence, as follows:

On August 13, 2009, the Phelps County, Missouri Prosecuting Attorney charged Watson with the Class A Misdemeanor of Possession of a Controlled Substance, in violation of § 195.202.<sup>1</sup> *State v. Samantha Watson*, Phelps Co. Cir. Ct., Case No. 09PH-CR01312. On November 23, 2009, Watson pled guilty to the charge. *Id.* The court suspended imposition of sentence and placed Watson on supervised probation for a period of two years. *Id.*

6. The Division's investigation also revealed that Watson has been charged with crimes in Oregon and that there is an active warrant out for her arrest on those charges. More particularly, on December 15, 2014, Watson was charged with Unlawful Manufacture of Marijuana, in violation of ORS 475.856, Unlawful Delivery of Marijuana for Consideration, in violation of ORS 475.860(2)(a), and Unlawful Possession of Four or More Ounces of Marijuana, in violation of ORS 475.864(3)(a), in Jackson County, Oregon. *State v. Samantha B. Watson*, Jackson Co., Oregon, Case No. 15CR00721. An arrest warrant issued for Watson after she failed to appear for arraignment in Oregon on January 9, 2015; that warrant remains outstanding. *Id.*
7. On June 21, 2017, Division Special Investigator Andrew Engler ("Engler") sent an inquiry letter via first class mail, postage prepaid, to Watson at her residential and mailing address, 2009 N. 3<sup>rd</sup> Street, St. Charles, Missouri 63301. In his letter, Engler asked Watson to explain why she failed to disclose the criminal charges against her pending in Oregon, to provide a statement explaining the circumstances surrounding those charges, and to provide "a certified copy of the Information, Complaint, Judgment or other charging document" in her Oregon criminal case. Engler asked for a response within twenty days and stated that, "[f]ailure to respond could result in a refusal to issue your MVESC license."<sup>2</sup>
8. The United States Postal Service did not return Engler's June 21, 2017 inquiry letter to the Division as undeliverable and it is presumed received.
9. Watson did not respond timely or at all to Engler's June 21, 2017 inquiry letter and she did not demonstrate reasonable justification for any delay.
10. Again on July 17, 2017, Engler sent another inquiry letter to Watson via first class mail, postage prepaid, to Watson's residential and mailing address. In his letter, Engler again asked Watson to explain why she failed to disclose the criminal charges against her pending in Oregon, to provide a statement explaining the circumstances surrounding those charges, and to provide "a certified copy of the Information,

---

<sup>1</sup> All criminal statutory citations are to that version of the statute under which the court entered judgment.

<sup>2</sup> An MVESC license is a motor vehicle extended service contract producer license.

Complaint, Judgment or other charging document” in her Oregon criminal case. Engler indicated that he would allow Watson to respond within an additional twenty days and noted that “[f]ailure to respond could result in an administrative action.”

11. The United States Postal Service did not return Engler’s July 17, 2017 inquiry letter to the Division as undeliverable and it is presumed received.
12. Watson did not timely respond to the Division’s July 17, 2017 inquiry letter and she did not demonstrate reasonable justification for any delay.
13. On July 18, 2017, Watson called Engler and indicated that she had received his letter. Watson denied having been charged with the crimes Engler mentioned in his letter. Engler indicated that there was a warrant out for Watson’s arrest, and that she needed to provide the requested court documentation. Watson asked about a due date, and Engler explained that in his July 17, 2017 letter, he had given Watson an additional twenty days to respond.
14. Ultimately, Watson did not respond at all to the Division’s July 17, 2017 inquiry letter and she did not demonstrate reasonable justification for any delay.
15. It is inferable, and hereby found as fact, that Watson failed to disclose on her Application the suspended imposition of sentence that she received in Phelps County, Missouri in 2009, and the criminal charges currently pending against her in Oregon, in the hopes that the Director would look more favorably upon her Application and issue a license to her.

### CONCLUSIONS OF LAW

16. Section 385.209.1 provides, in relevant part:

The director may suspend, revoke, refuse to issue, or refuse to renew a registration or license under sections 385.200 to 385.220 for any of the following causes, if the applicant or licensee or the applicant’s or licensee’s subsidiaries or affiliated entities acting on behalf of the applicant or licensee in connection with the applicant’s or licensee’s motor vehicle extended service contract program has:

\* \* \*

- (2) Violated any provision in sections 385.200 to 385.220, or violated any rules, subpoena, or order of the director;
- (3) Obtained or attempted to obtain a license through material misrepresentation or fraud[.]

17. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, provides:

Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

18. Under Missouri law, when a letter is duly mailed by first class mail, there is a rebuttable presumption that the letter was delivered to the addressee in the due course of the mails. *Hughes v. Estes*, 793 S.W.2d 206, 209 (Mo. App. S.D. 1990).
19. The Director may refuse to issue a motor vehicle extended service contract producer license to Watson under § 385.209.1(2) because Watson violated 20 CSR 100-4.100(2)(A), in that Watson failed to respond to two written inquiries from the Division from June 21, 2017 and July 17, 2017, and Watson failed to demonstrate reasonable justification for any delay.
20. 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 to Watson under § 385.209.1(2).
21. The Director may refuse to issue a motor vehicle extended service contract producer license to Watson under § 385.209.1(3) because Watson attempted to obtain a license through material misrepresentation or fraud because she failed to disclose that in 2009, she received a suspended imposition of sentence in a misdemeanor drug case. *State v. Samantha Watson*, Phelps Co. Cir. Ct., Case No. 09PH-CR01312.
22. The Director may also refuse to issue a motor vehicle extended service contract producer license to Watson under § 385.209.1(3) because Watson attempted to obtain a license through material misrepresentation or fraud because she failed to disclose that she currently faces pending criminal charges in Oregon. More particularly, Watson faces three drug charges related to marijuana. *State v. Samantha B. Watson*, Jackson Co., Oregon, Case No. 15CR00721.
23. Each attempt to obtain a license through material misrepresentation or fraud constitutes a separate and sufficient ground for the Director to refuse to issue Watson a motor vehicle extended service contract producer license under § 385.209.1(3).

24. The above-described instances are grounds upon which the Director may refuse to issue Watson a motor vehicle extended service contract producer license. Watson failed to disclose a misdemeanor plea wherein she received a suspended imposition of sentence. Watson also failed to disclose three pending drug charges in Oregon. Finally, Watson failed to respond to two Division inquiry letters and she did not demonstrate reasonable justification for any delay.
25. The Director has considered Watson's history and all of the circumstances surrounding Watson's Application. Issuing a motor vehicle extended service contract producer license to Watson would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Watson a motor vehicle extended service contract producer license.
26. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the motor vehicle extended service contract producer license Application of **Samantha Breanne Watson** is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 13<sup>th</sup> DAY OF November, 2017.



*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.

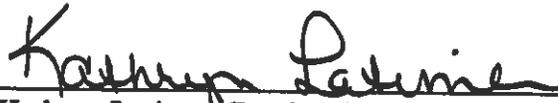
[The remainder of this page intentionally left blank.]

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of November, 2017, 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:

Samantha Breanne Watson  
2009 N. 3<sup>rd</sup> Street  
St. Charles, MO 63301

Tracking No. 1Z0R15W84291337202



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](mailto:kathryn.latimer@insurance.mo.gov)