



FINAL ORDER
EFFECTIVE
5-21-2018

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

SPENCER LEE MURPHY,

Applicant.

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Case No. 180207248C

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

On April 11, 2018, 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 Spencer Lee Murphy. 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. Spencer Lee Murphy (“Murphy”) is a Missouri resident with a residential address of 338 Townsend Street, Creve Coeur, Missouri 63141.
2. On December 27, 2017, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Murphy’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”) along with attachments.
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. Murphy answered “Yes” to Background Information Question Number 1 on his Application. Murphy provided a letter of explanation regarding his criminal past

and court documents showing that he was convicted of various misdemeanors and two felonies. As to his felony convictions, on August 23, 2016, the St. Louis County Prosecutor charged Murphy by Complaint in Count I with Distribution, Delivery, Manufacture, Production or Attempt to or Possess with Intent to Distribute, Deliver, Manufacture or Produce a Controlled Substance, a Class B Felony, in violation of § 195.211,¹ and in Count II with Unlawful Use of a Weapon, a Class D Felony, in violation of § 571.030.1(11). *State v. Spencer L. Murphy*, St. Louis Co. Cir. Ct., Case No. 16SL-CR06424. On October 13, 2016, the St. Louis County Grand Jury indicted Murphy on those charges. *Id.* On August 3, 2017, Murphy pled guilty to the charges. *Id.* Also on August 3, 2017, the court sentenced Murphy to five years in the Missouri Department of Corrections on Count I, and four years in the Missouri Department of Corrections on Count II, with execution of the sentences suspended, and five years of supervised probation on each count. *Id.* The court also ordered Murphy to complete the Choices Program. *Id.*

CONCLUSIONS OF LAW

5. Section 385.209.1, RSMo 2016, 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:

* * *

(5) Been convicted of any felony[.]

6. The Director may refuse to issue a motor vehicle extended service contract producer license to Murphy under § 385.209.1(5) because Murphy has been convicted of two felonies: distribution, delivery, manufacture, production or attempt to or possess with intent to distribute, deliver, manufacture or produce a controlled substance, and unlawful use of a weapon. *State v. Spencer L. Murphy*, St. Louis Co. Cir. Ct., Case No. 16SL-CR06424.

7. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Murphy a motor vehicle extended service contract

¹ This and all criminal statutory citations are to that version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

producer license under § 385.209.1(5).

8. The above-described instances are grounds upon which the Director may refuse to issue Murphy a motor vehicle extended service contract producer license.
9. The Director has considered Murphy's history and all of the circumstances surrounding Murphy's Application. Issuing a motor vehicle extended service contract producer license to Murphy would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Murphy a motor vehicle extended service contract producer license.
10. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **Spencer Lee Murphy** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 19th DAY OF April, 2018.




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.

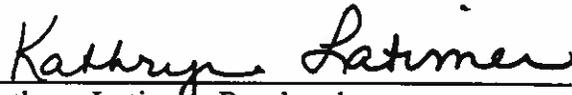
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April, 2018, 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:

Spencer Lee Murphy
338 Townsend Street
Creve Coeur, MO 63141

Tracking No. 1Z0R15W84298028417



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