



**DEPARTMENT OF COMMERCE AND INSURANCE**

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

**IN RE:** )  
 )  
**SPENCER LEE MURPHY,** ) **Case No. 1812121004C**  
 )  
**Applicant.** )

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

On September 5, 2019, the Consumer Affairs Division (“Division”) of the Department of Commerce and Insurance (“Department”) 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 October 9, 2018, the Department of Insurance, Financial Institutions and Professional Registration<sup>1</sup> 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

<sup>1</sup> The Department of Insurance, Financial Institutions and Professional Registration is the predecessor agency to the Department of Commerce and Insurance. See Executive Order 19-02.

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,<sup>2</sup> 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-CR06424-01. 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.* On September 7, 2018, the court terminated Murphy’s probation upon the request of Murphy’s attorney; ultimately, Murphy served just over a year of probation. *Id.*

5. Background Information Question Number 2 of the Application asks, in relevant part:

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.

6. Murphy answered “Yes” to Background Information Question Number 2. Murphy attached various documents to his Application from *Spencer Lee Murphy v. Director of the Dep’t of Ins., Fin. Insts. and Prof’l Reg’n*, No. 18-0351 (Mo. Admin. Hrg. Comm’n Sept. 19, 2018). In that case, Murphy had appealed the refusal of a prior

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<sup>2</sup> 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.

application wherein he sought a motor vehicle extended service contract producer license. See *In re: Spencer Lee Murphy*, DIFP No. 180207248C (“Refusal Order”). On April 19, 2018, the Director issued the Refusal Order wherein she refused to issue a motor vehicle extended service contract producer license to Murphy because Murphy had been convicted of two felonies. *Id.* Murphy ultimately dismissed his Administrative Hearing Commission appeal. *Spencer Lee Murphy v. Director of the Dep’t of Ins., Fin. Insts. and Prof’l Reg’n*, No. 18-0351 (Mo. Admin. Hrg. Comm’n Sept. 19, 2018).

7. The Director is a state regulator of service contracts.

### CONCLUSIONS OF LAW

8. Section 385.209.1<sup>3</sup> 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;

\* \* \*

- (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[.]

9. 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, a Class B Felony, in violation of § 195.211, and 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-CR06424-01.
10. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Murphy a motor vehicle extended service contract producer license

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<sup>3</sup> This and all further civil statutory citations are to RSMo 2016.

under § 385.209.1(5).

11. The Director may refuse to issue a motor vehicle extended service contract producer license to Murphy under § 385.209.1(9) because Murphy has 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. On April 19, 2018, the Director issued her Refusal Order in *In re: Spencer Lee Murphy*, DIFP Case No. 180207248C wherein she refused to issue a motor vehicle extended service contract producer license to Murphy.
12. The above-described instances are grounds upon which the Director may refuse to issue Murphy a motor vehicle extended service contract producer license.
13. 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.
14. This Order is in the public interest.

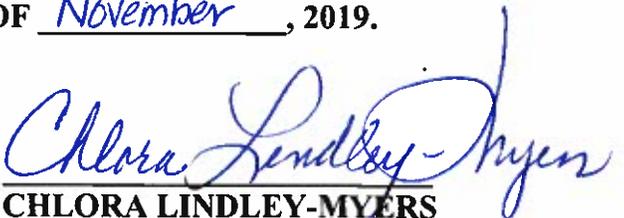
**ORDER**

**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 19<sup>th</sup> DAY OF November, 2019.



  
**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 19th day of November, 2019, 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. 1Z0R15W84297469434



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