



FINAL ORDER
EFFECTIVE
12-15-2017

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

In Re:)
)
TRACY KATHLEEN TIEFENBRUNN ,) **Case No. 170531292C**
)
Applicant.)

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

On October 10, 2017, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse to issue a motor vehicle extended service contract producer license to Tracy Kathleen Tiefenbrunn. 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. Tracy Kathleen Tiefenbrunn (“Tiefenbrunn”) is a Missouri resident with a residential and mailing address of 11718 Benedetta Drive, Bridgeton, MO 63044.
2. On August 29, 2016, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Tiefenbrunn’s Application for Motor Vehicle Extended Service Contract Producer License (“Application”).
3. Background Information Question No. 1 of the Application asked the following:

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 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 differed” 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.

4. Tiefenbrunn answered “Yes” in response to Background Information Question No. 1 on her Application.
5. Tiefenbrunn submitted a letter explaining her response to Background Information Question No. 1 and disclosing her criminal record. The letter stated, verbatim, in relevant part:

In regards to question 1 of the background section, I do have some incidents to disclose.

* * *

In 1996 I had a stealing charge and an unlawful use of drug paraphernalia charge.

* * *

In 2005 I was on the way to my father's funeral with the father of my son, Michael Schuettenberg. We stopped at a Supermarket of Shoes. Michael went into the shoe store and I went into the business next door. After I was done shopping I went into the shoe store to get Michael and we left to attend the funeral. Just after we left the parking lot we were pulled over and the police officer said that Michael had taken a pair of shoes. We were both taken to the police station and he was charged with stealing. In 2007, I believe, I received a letter from the City of O'Fallon saying that I was being charged as well. I went to court to try to get an

extension and was told I had to pay the fine or I would have a warrant issued against me. I paid the fine, not even thinking that would mean I was pleading guilty. Later I found out that Michael had used a credit card that was not his. I was charged with forgery because of that.

6. Among the criminal history disclosed by Tiefenbrunn are four felony convictions:

- a. On September 4, 1996, Tiefenbrunn pled guilty to Stealing \$150 or More, a Class C Felony in violation of § 570.030 RSMo.¹ The court suspended imposition of Tiefenbrunn's sentence, ordering Tiefenbrunn complete five years' probation. However, on July 30, 1997, the court revoked Tiefenbrunn's probation and sentenced her to one year of incarceration. *State v. Tracy Tiefenbrunn*, St. Louis Co. Cir. Ct., Case No. 96CR-3225.
- b. On September 7, 2007, Tiefenbrunn was found guilty upon a plea of guilty to one count of Stealing a Credit Card, a Class C Felony in violation of § 570.030 RSMo, and two counts of Forgery, a Class C Felony in violation of § 570.090 RSMo. The court sentenced Tiefenbrunn to five years' incarceration for each count, each sentence to be served concurrently. The Court suspended execution of Tiefenbrunn's sentences, ordering Tiefenbrunn to complete five years' probation. *State v. Tracey Tiefenbrunn*, St. Louis Co. Cir. Ct., Case No. 2107CR-1628A-01.²

7. Tiefenbrunn's three felony convictions in the matter of *State v. Tracey Tiefenbrunn*, St. Louis Co. Cir. Ct., Case No. 2107CR-1628A-01, involve the misappropriation and use of a stolen credit card. The indictment in the matter provides the following factual basis for Tiefenbrunn's guilty plea and convictions:

Tracey K. Tiefenbrunn and Michael J. Schuettenberg acting together... appropriated a State Farm Bank Visa credit card, which property was in the possession of [F.B.], and defendant appropriated such property without the consent of [F.B.] and with the purpose to deprive him thereof.

* * *

Tracey K. Tiefenbrunn and Michael J. Schuettenberg acting together... with the purpose to defraud, completed a writing, namely a Walgreens credit sales receipt, so that it purported to have been made by another.

* * *

Tracey K. Tiefenbrunn and Michael J. Schuettenberg acting together... with the purpose to defraud, completed a writing, namely an Auto Zone credit sales receipt, so that it purported to have been made by another.

¹ All references to criminal statutes are to the version under which the court rendered its judgment.

² Tiefenbrunn's first name is misspelled "Tracey" in records relating to St. Louis Co. Cir. Ct. Case No. 2107CR-1628A-01.

8. Tiefenbrunn's letter disclosing her criminal history only briefly mentioned the incident involving the theft and use of a credit card, which resulted in three felony convictions. *State v. Tracey Tiefenbrunn*, St. Louis Co. Cir. Ct., Case No. 2107CR-1628A-01. Tiefenbrunn does not mention or explain her role in the unlawful appropriation or use of the credit card. Rather, Tiefenbrunn includes two sentences deflecting guilt onto her associate, who "used a credit card that was not his."
9. It is inferable, and hereby found as fact, that Tiefenbrunn's explanation of her convictions for Stealing a Credit Card and Forgery was offered to minimize her culpability and mislead the Director into the false belief that Tiefenbrunn played no role in the criminal transactions and thereby improve the chances that the Director would approve her application.

CONCLUSIONS OF LAW

10. Section 385.209 RSMo (Supp. 2013) 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:

* * *

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

* * *
 - (5) Been convicted of any felony; [or]

* * *
 - (7) Been found in violation of law by a court of competent jurisdiction in an action instituted by any officer of any state or the United States in any matter involving motor vehicle extended service contracts, financial services, investments, credit, insurance, banking, or finance[.]
11. The Director may refuse to issue Tiefenbrunn a motor vehicle extended service contract ("MVESC") producer license pursuant to § 385.209.1(5) because Tiefenbrunn has been convicted of four felonies, namely:
 - a. Stealing \$150 or More, a Class C Felony. *State v. Tracy Tiefenbrunn*, St. Louis Co. Cir. Ct., Case No. 96CR-3225.

b. Stealing a Credit Card, a Class C Felony. *State v. Tracey Tiefenbrunn*, St. Louis Co. Cir. Ct., Case No. 2107CR-1628A-01.

c. Two counts of Forgery, each a Class C Felony. *Id.*

12. Each Felony conviction constitutes separate and sufficient cause to refuse to issue Tiefenbrunn an MVESC producer license pursuant to § 385.209.1(5).
13. The Director may refuse to issue Tiefenbrunn an MVESC producer license pursuant to § 385.209.1(3) because Tiefenbrunn attempted to obtain a license through material misrepresentation or fraud when she offered an intentionally misleading and diversionary explanation of her convictions in the matter of *State v. Tracey Tiefenbrunn*, St. Louis Co. Cir. Ct., Case No. 2107CR-1628A-01.
14. The Director may refuse to issue Tiefenbrunn an MVESC producer license pursuant to § 385.209.1(7) because Tiefenbrunn has been found in violation of law by a court of competent jurisdiction in an action instituted by an officer of this state in a matter involving financial services, credit, banking, or finance. Specifically, the Circuit Court of St. Louis County, Missouri, convicted Tiefenbrunn of stealing a credit card and forgery in a matter involving the theft of a credit card and the signing of credit sales receipts. *State v. Tracey Tiefenbrunn*, St. Louis Co. Cir. Ct., Case No. 2107CR-1628A-01.
15. The Director has considered Tiefenbrunn's history and all of the circumstances surrounding her Application and exercises her discretion to refuse to issue Tiefenbrunn an MVESC producer license.
16. This Order is in the public interest.

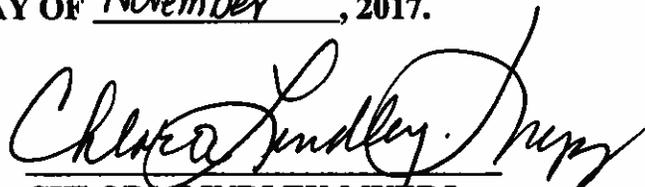
ORDER

IT IS THEREFORE ORDERED that Tracy Kathleen Tiefenbrunn's Motor Vehicle Extended Service Contract producer license application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 13th DAY OF November, 2017.




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.

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, signature required, to the following address:

Tracy Tiefenbrunn
11718 Benedetta Drive,
Bridgeton, MO 63044

Tracking No. 1Z0R15W84293791824


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