



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

TYRONE L. MORRIS,

Applicant.

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Case No. 184418

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

On June 12, 2013, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Tyrone L. Morris. 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. Tyrone L. Morris, ("Morris") is a Missouri resident with a residential address of 120 Peine Hollow Place, Wentzville, Missouri, 63385.
2. On November 14, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Morris's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. The "Applicant's Certification and Attestation" section of the 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. Morris signed the Application in the "Applicant's Certification and Attestation" section under oath before a notary.
5. Background Question No. 1 of the Application asks the following:

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

6. Morris marked "Yes" to Question No. 1. With his Application, Morris included a written statement that read, verbatim in its entirety:

To Whom It May Concern:

(This is my statement explaining the circumstances of the incident)

In January year 2009 whom I thought was a good personal friend of mine, asked me if I knew of anyone that sold drugs for recreational purposes, because his friend was getting married and they wanted to use of celebrating at the bachelor party. I told him that I did know of an area that may have what he was looking for. I would check and if so I would pick it up for him. I picked up what he was requesting; I then meet up with him and his best friend that turned out to be a under cover detective.

7. Morris also included uncertified documents related to a case in which he was convicted in the Circuit Court of St. Charles County of three (3) Class B Felony counts of Sale of a Controlled Substance, each in violation of § 195.211, RSMo, in *State of Missouri v. Tyrone Lamont Morris*, St. Charles Co. Cir. Ct., No. 0911-CR04372-01.
8. On January 17, 2013, following multiple written inquiries from the Department's investigator, Morris sent certified copies of the Information, Acknowledgment of Commitment, and Order of Probation in *State of Missouri v. Tyrone Lamont Morris*, St. Charles Co. Cir. Ct., No. 0911-CR04372-01. Morris also sent a second, more detailed, written explanation of his conviction.
9. In his January 17, 2013 explanation, Morris stated, in part:

The reason why I was convicted of three counts instead of one is due to the technicalities of my case the statures were all consolidated to revolve around the one count.

10. In *State of Missouri v. Tyrone Lamont Morris*, St. Charles Co. Cir. Ct., No. 0911-CR04372-01, the St. Charles County Prosecuting Attorney alleged three Class B Felony counts of Sale of a Controlled Substance. As described in the Information, the three counts were based on three incidents taking place on three separate dates:
- a. Count I alleges that Morris sold cocaine HCl to a police detective on January 6, 2009.
 - b. Count II alleges that Morris sold cocaine HCl to the same police detective on January 8, 2009.

c. Count III alleges that Morris possessed cocaine with the intent to distribute on July 24, 2009.

11. On or about March 8, 2010, Morris pled guilty in the St. Charles County Circuit Court to three Class B Felony counts of Sale of a Controlled Substance, each in violation of § 195.211, RSMo. *State of Missouri v. Tyrone Lamont Morris*, St. Charles Co. Cir. Ct., No. 0911-CR04372-01. The court sentenced Morris to ten (10) years' incarceration on each count, but suspended execution of the sentence, sentenced Morris to 30 days' shock time in the St. Charles County Jail and placed Morris on five (5) years' probation.

CONCLUSIONS OF LAW

12. Section 385.209 RSMo, Supp. 2012, provides, in 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[.]

13. Just as the principal purpose of § 375.141, the insurance producer disciplinary statute, is not to punish licensees or applicants, but to protect the public, *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984), the purpose of § 385.209 is not to punish applicants for a motor vehicle extended service contract producer license, but to protect the public.
14. Morris may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of three Class B Felonies of Sale of a Controlled Substance, in violation of § 195.211, RSMo, in *State of Missouri v. Tyrone Lamont Morris*, St. Charles Co. Cir. Ct., 0911-CR04372-01.
15. Morris also may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(3) because he attempted to obtain a motor vehicle extended service contract producer license through material misrepresentation, in that Morris misrepresented the extent of his criminal actions that formed the basis for his conviction

of three Class B Felonies of Sale of a Controlled Substance when in his first written explanation he described only one incident, and then when in his January 17 written explanation he stated that the reason he was convicted of three counts instead of one was "due to the technicalities of my case the statutes were all consolidated to revolve around the one count." Through these misrepresentations, Morris attempted to disguise his criminal acts as a single mistaken favor for a friend when actually he sold drugs to undercover police in three separate incidents on three separate occasions. These misrepresentations were made in an attempt to obtain a motor vehicle extended service contract producer license and were material to the Director's licensing decision.

16. The Director has considered Morris's history and all of the circumstances surrounding Morris's Application. Granting Morris a motor vehicle extended service contract producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a motor vehicle extended service contract producer license to Morris.
17. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Tyrone L. Morris** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 13th DAY OF JUNE, 2013.





JOHN M. HUFF
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 14 day of June, 2013, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following address:

Tyrone L. Morris
120 Peine Hollow Place
Wentzville, Missouri 63385

Certified No. 7009 3410 0001 9255 0820



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