

State of Missouri

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION**

IN RE:)
)
TIMOTHY SCOTT REES,) **Case No. 170419258C**
)
Applicant.)

ORDER REFUSING TO ISSUE
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On May 11, 2017, 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 Timothy Scott Rees. After reviewing the Petition and Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Timothy Scott Rees ("Rees") is a Missouri resident with a residential and mailing address of 229 Fredde Drive, Foristell, Missouri 63348-1273, and a business address of 4213 North Saint Peters Parkway, Saint Peters, Missouri 63304-7384.
2. On January 10, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Rees's completed Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Rees answered "Yes" to Background Information Question 36.1 of the Application which asked, 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. In a letter enclosed with his Application and subsequent correspondence with Department Special Investigator Andrew Engler, Rees disclosed the following convictions:
 - a. On January 25, 2002, Rees pled guilty to each of three counts of Sale of a Controlled Substance, a Class B Felony, in violation of § 195.211.¹ The court suspended imposition of sentences and ordered Rees to complete five years' supervised probation, but on March 31, 2005, it revoked his probation and

¹ All criminal statutory references are to those contained in the version of the Missouri Revised Statutes pursuant to which each judgment was rendered.

convicted Rees, sentencing him to six years' incarceration on each count. *State v. Timothy S. Rees*, St. Charles Co. Cir. Ct., Case No. 01CR131262.

- b. On March 17, 2005, Rees was convicted, after pleading guilty in a prosecution upon information filed by the Circuit Attorney of the City of Saint Louis, of Stealing From a Person, a Class C Felony, in violation of § 570.030, and Fraudulent Use of a Credit Card, a Class A Misdemeanor, in violation of § 570.130. The court sentenced Rees to six years' incarceration and twenty-one days' incarceration, respectively. *State v. Timothy Scott Rees*, St. Louis City Cir. Ct., Case No. 22041-02668A-01.
- c. On March 28, 2005, Rees pled guilty to, and was convicted of, Tampering in the First Degree, a Class C Felony, in violation of § 569.080. The court sentenced him to six years' incarceration. *State v. Timothy Scott Rees*, St. Charles Co. Cir. Ct., Case No. 04CR128992-01.

CONCLUSIONS OF LAW

5. Section 385.209.1² 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; [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[.]

6. The Director may refuse to issue Rees a motor vehicle extended service contract ("MVESC") producer license pursuant to § 385.209.1(5) because he has been convicted of five felonies, specifically:

- a. Sale of a Controlled Substance, a Class B Felony, in violation of § 195.211, *State v. Timothy S. Rees*, St. Charles Co. Cir. Ct., Case No. 01CR131262;

² All civil statutory references are to the 2013 Cumulative Supplement of the Missouri Revised Statutes.

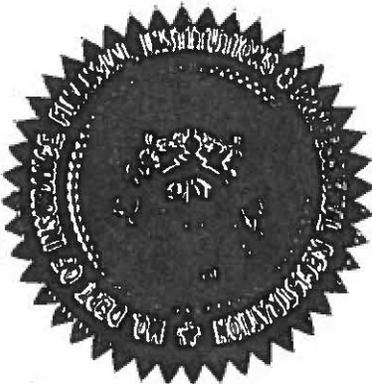
- b. Sale of a Controlled Substance, a Class B Felony, in violation of § 195.211, *Id.*;
 - c. Sale of a Controlled Substance, a Class B Felony, in violation of § 195.211, *Id.*;
 - d. Stealing From a Person, a Class C Felony, in violation of § 570.030, *State v. Timothy Scott Rees*, St. Louis City Cir. Ct., Case No. 22041-02668A-01; and
 - e. Tampering in the First Degree, a Class C Felony, in violation of § 569.080, *State v. Timothy Scott Rees*, St. Charles Co. Cir. Ct., Case No. 04CR128992-01.
7. Each of Rees's felony convictions is a separate and sufficient ground to refuse licensure pursuant to § 385.209.1(5).
 8. The Director may refuse to issue Rees a MVESC producer license pursuant to § 385.209.1(7) because he was found in violation of law, specifically § 570.130, by the Saint Louis City Circuit Court in a prosecution initiated by the Circuit Attorney of the City of Saint Louis involving financial services, credit, banking or finance, specifically Fraudulent Use of a Credit Card.
 9. The Director has considered Rees's history and all of the circumstances surrounding Rees's Application. Issuing a MVESC producer license to Rees would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse Rees's Application for a MVESC 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 **Timothy Scott Rees** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 24th DAY OF July, 2017.



Chlora Lindley-Myers
CHLORA LINDLEY-MYERS
 Director, Missouri Department of Insurance,
 Financial Institutions and Professional Registration

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 25th day of July, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Timothy Scott Rees
229 Fredde Drive
Foristell, Missouri 63348-1273

No. 1Z0R15W8A894326763



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of July, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following address:

Timothy Scott Rees
229 Frede Drive
Foristell, Missouri 63348-1273

Certified No. 7016 0340 0000 7970 3647



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August, 2017, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, first class mail, at the following address:

Timothy Scott Rees
229 Fredde Drive
Foristell, Missouri 63348-1273



Kathryn Latimer, Paralegal
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