



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:

ERIC C. TANKINS,

Applicant.

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Case No. 167425

ORDER REFUSING TO ISSUE MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On March 22, 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 Eric C. Tankins. 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. Eric C. Tankins, ("Tankins") is a Missouri resident with a residential address of 10751 Hallstead Drive, St. Louis, Missouri, 63136.
2. On May 16, 2012, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Tankins'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. Tankins 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?

“Crime” includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license or juvenile offenses. “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, or having been given probation, a suspended sentence or a fine.

“Had a judgement withheld or deferred” includes circumstances in which a guilty plea was entered and/or a finding of guilt is 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”).

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgement[.]

6. Tankins marked “Yes” to Question No. 1. With his Application, Tankins included a written statement that read, in its entirety:

May 7, 2012

I, Eric Tankins, was behind on child support \$10,000. That’s why I have a judgment against me.

I have drug traffic second charge. I was put on probation for two years.

7. Tankins also included a “Transcript of Conviction Arrest Information” from the City of St. Louis Metropolitan Police Department’s Records Section. The document lists arrest dates for Tankins and truncated descriptions of charges, including “RESIST-INTERFR W-FEL ARR (F),” “DIST DEL MANUF CONTRL SUBST (F),” and “NONSUPPORT – 6 OF 12 MTH (F).” The arrest dates run from November 17, 2001, and August 5, 2007.
8. Tankins did not disclose any further criminal history and did not provide further documentation of his criminal nonsupport history or child support payment history.
9. The Department’s subsequent investigation revealed that:
 - a. On December 10, 2008, Tankins pled guilty in the City of St. Louis Circuit Court

to the Class B Felony of Distribution, Delivery, Manufacture or Production of a Controlled Substance. The court sentenced Tankins to a period of ten (10) years' confinement but suspended execution of that sentence and placed Tankins on probation for a period of two (2) years. *State of Missouri v. Eric Tankins*, St. Louis City Cir. Ct., Case No. 0722-CR07184.

- b. Also on December 10, 2008, in the City of St. Louis Circuit Court, Tankins pled guilty to the Class D Felony of Resisting or Interfering with Arrest. The court sentenced Tankins to a period of four (4) years' confinement but suspended execution of that sentence and placed Tankins on probation for a concurrent period of two (2) years. *State of Missouri v. Eric Tankins*, St. Louis City Cir. Ct., Case No. 0722-CR07184.
- c. On June 8, 2007, Tankins pled guilty to the Class D Felony of Criminal Nonsupport in the City of St. Louis Circuit Court, Missouri. Initially, the court suspended imposition of sentence and placed Tankins on probation for a period of five (5) years' confinement. However, on June 19, 2009, Tankins's probation was revoked; the court imposed sentence, then suspended execution of that sentence and placed Tankins on probation for five (5) years. *State of Missouri v. Eric Tankins*, St. Louis City Cir. Ct., Case No. 0622-CR04213.

CONCLUSIONS OF LAW

10. 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:

* * *

(5) Been convicted of any felony[.]

11. 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.

13. Tankins may be refused a motor vehicle extended service contract producer license pursuant to § 385.209.1(5) because he has been convicted of three felonies:
- a. *State of Missouri v. Eric Tankins*, St. Louis City Cir. Ct., Case No. 0722-CR07184 (Distribution, Delivery, Manufacture or Production of Controlled Substance, a Class B Felony, in violation of § 195.211).
 - b. *State of Missouri v. Eric Tankins*, St. Louis City Cir. Ct., Case No. 0722-CR07184 (Resisting or Interfering with Arrest, a Class D Felony, in violation of § 575.150).
 - c. *State of Missouri v. Eric Tankins*, St. Louis City Cir. Ct., Case No. 0622-CR04213 (Nonsupport in Each of Six Individual Months Within Any Twelve-Month Period, Amount Owed is in Excess of \$5,000, a Class D Felony, in violation of § 568.040).
14. The Director has considered Tankins's history and all of the circumstances surrounding Tankins's Application. Granting Tankins 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 Tankins.
15. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Eric C. Tankins** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 27th **DAY OF** MARCH, 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 27 day of March, 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:

Eric C. Tankins
10751 Hallstead Drive
St. Louis, Missouri 63136

Certified No. 7009 3410 00019254 4966



Hailey Boessen
Senior Office Support Assistant
Agent Investigation Section
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