



FINAL ORDER
EFFECTIVE
12-03-2018

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

WALTER MATTHEW FULD, JR.,

Applicant.

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)
) **Case No. 180129157C**
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)

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

On September 27, 2018, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract producer license to Walter Matthew Fuld, Jr.. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Walter Matthew Fuld, Jr. (“Fuld”) is a Missouri resident who, on his Application, listed his residential address as 141 Middlesburg Court, St. Peters, Missouri 63376.
2. On October 10, 2017, the Department received an Application for Motor Vehicle Extended Service Contract Producer License from Fuld.
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 with committing a crime?

4. Fuld answered “Yes” to Background Information Question Number 1, and provided a written statement and documentation from the Missouri Department of Corrections regarding the following convictions:
 - a. On April 20, 2009, Fuld pled guilty to two counts of the Class C Felony of Possession of Controlled Substance Except 35 Grams or Less of

Marijuana, in violation of § 195.202.¹ *State v. Walter Matthew Fuld, Jr.*, St. Charles County Cir. Ct., Case No. 0811-CR05692-01. The court sentenced Fuld to six years' incarceration in the Missouri Department of Corrections, suspended execution of sentence, and placed Fuld on supervised probation for five years. *Id.*

- b. On April 20, 2009, Fuld pled guilty to the Class C Felony of Theft/Stealing (Value of Property or Services is \$500 or More but Less Than \$25,000), in violation of § 570.030. *State v. Walter Matthew Fuld, Jr.*, St. Charles County Cir. Ct., Case No. 0811-CR06828-01. The court sentenced Fuld to six years' incarceration in the Missouri Department of Corrections, suspended execution of sentence, and placed Fuld on supervised probation for five years, to run concurrent with Case No. 0811-CR05692-01 and 0811-CR07360-01. *Id.*
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- c. On April 20, 2009, Fuld pled guilty to two counts of the Class C Felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana, in violation of § 195.202. *State v. Walter Matthew Fuld, Jr.*, St. Charles County Cir. Ct., Case No. 0811-CR07360-01. The court sentenced Fuld to six years' incarceration in the Missouri Department of Corrections, suspended execution of sentence, and placed Fuld on supervised probation for five years, to run concurrent with Case No. 0811-CR05692-01 and 0811-CR06828-01. *Id.*
- d. On August 21, 2013, Fuld pled guilty to the Class C Felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana (Count I), in violation of § 195.202, and the Class A Misdemeanor of Unlawful Use of Drug Paraphernalia (Count II), in violation of § 195.233. *State v. Walter Matthew Fuld, Jr.*, St. Charles County Cir. Ct., Case No. 1311-CR00295-01. On Count I, the court sentenced Fuld to twelve years' incarceration in the Missouri Department of Corrections, to include one year of long-term substance abuse treatment, and on Count II, the Court sentenced Fuld to 30 days' incarceration in the St. Charles County Jail, to be served at the Missouri Department of Corrections concurrent with Count I. Upon his completion of the long-term substance abuse treatment program, Fuld was then placed on five years' supervised probation.

¹ This and all criminal statutory citations are to that version of RSMo in effect at the time of the crime.

CONCLUSIONS OF LAW

5. Section 385.209.1 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[.]

6. The Director may refuse to issue a motor vehicle extended service contract producer license to Fuld under § 385.209.1(5) because Fuld has been convicted of a felony. More particularly, Fuld has been convicted of four felonies, including convictions for the Class C Felony of Theft/Stealing (Value of Property or Services is \$500 or More but Less Than \$25,000) and the Class C Felony of Possession of Controlled Substance Except 35 Grams or Less of Marijuana. *State v. Walter Matthew Fuld, Jr.*, St. Charles County Cir. Ct., Case No. 0811-CR06828-0; *State v. Walter Matthew Fuld, Jr.*, St. Charles County Cir. Ct., Case No. 0811-CR06828-01; *State v. Walter Matthew Fuld, Jr.*, St. Charles County Cir. Ct., Case No. 0811-CR07360-01; *State v. Walter Matthew Fuld, Jr.*, St. Charles County Cir. Ct., Case No. 1311-CR00295-01.
7. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue Fuld a motor vehicle extended service contract producer license under § 385.209.1(5).
8. The above-described instances are grounds upon which the Director may refuse to issue Fuld a motor vehicle extended service contract producer license. Fuld has four felony convictions, which he disclosed in response to Background Information Question Number 1 on the Application.
9. The Director has considered Fuld's history and all of the circumstances surrounding Fuld's Application. Issuing a motor vehicle extended service contract producer license to Fuld would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Fuld a motor vehicle extended service contract 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 **Walter Matthew Fuld, Jr.** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 31st **DAY OF** October, 2018.



Chlora Lindley Myers
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 2nd day of November, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following address:

Walter Matthew Fuld, Jr.
141 Middlesburg Court
St. Peters, Missouri 63376

Tracking No. 1Z0R15W8A897217509



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