



FINAL ORDER
EFFECTIVE
06-18-2018

State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

In re:)
)
WENDY NICOLE JOHNSON,) Case No. 180207246C
)
Applicant.)

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

On May 11, 2018, 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 Wendy Nicole Johnson. 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. Wendy Nicole Johnson (“Johnson”) is a Missouri resident with a residential address of 502 Broadmoor Drive, Chesterfield, Missouri 63017.
2. On December 18, 2017, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Johnson’s completed Application for a Motor Vehicle Extended Service Contract Producer License (“Application”).
3. Background Question No. 1 on 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. Johnson answered “Yes” to Background Question No. 1 on the Application and disclosed the following felony convictions:
 - a. On June 7, 2013, Johnson pled guilty to two counts of Fraudulently Attempting to Obtain a Controlled Substance, both Class D Felonies, in violation of § 195.204

RSMo.¹ *State v. Wendy N. Johnson*, St. Louis Co. Cir. Ct., Case No. 12SL-CR11440-01. The court suspended imposition of a three (3) year sentence of incarceration and placed Johnson on supervised probation for five (5) years. *Id.* On December 5, 2013, the court revoked Johnson's probation and sentenced her to three (3) years' incarceration. *Id.*

- b. On June 7, 2013, Johnson entered an *Alford* plea to Stealing, a Class C Felony, in violation of § 570.030 RSMo. *State v. Wendy N. Johnson*, St. Louis Co. Cir. Ct., Case No. 12SL-CR02916-01. The court suspended imposition of sentence, placed Johnson on probation for five (5) years, and ordered Johnson to serve thirty (30) days shock incarceration. *Id.* On December 5, 2013, the court revoked Johnson's probation and sentenced her to three (3) years' incarceration. *Id.*
- c. On December 5, 2013, Johnson pled guilty to and was convicted of Fraudulently Attempting to Obtain a Controlled Substance, a Class D Felony, in violation of § 195.204 RSMo. *State v. Wendy N. Johnson*, St. Louis Co. Cir. Ct., Case No. 13SL-CR09729-01. The court sentenced Johnson to three (3) years' incarceration. *Id.*

CONCLUSIONS OF LAW

5. Section 385.209 RSMo² (2016) provides, 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:

* * *

(5) Been convicted of any felony[.]

- 6. The Director may refuse to issue a motor vehicle extended service contract ("MVESC") producer license to Johnson pursuant to § 385.209.1(5) because Johnson has been convicted of four felonies.
- 7. Each felony conviction is a separate and sufficient cause for the Director to refuse to issue a MVESC producer license to Johnson pursuant to § 385.209.1(5).

¹ All criminal statutory references are to the Missouri Revised Statutes in effect at the time Johnson committed the offenses.

² All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise noted.

- 8. The Director has considered Johnson's history and all of the circumstances surrounding Johnson's Application. Granting Johnson a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion and refuses to issue a MVESC producer license to Johnson.
- 9. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Wendy Nicole Johnson** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 17th DAY OF May, 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 May 17, 2018 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:

Wendy Nicole Johnson
502 Broadmoor Drive
Chesterfield, Missouri 63017

No. 1Z0R15W84290371597



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