



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
XAVIER ORLANDO WHITE, II,) Case No. 170104011C
)
Applicant.)

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

On March 8, 2017, 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 Xavier Orlando White, II. 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. Xavier Orlando White, II ("White") is a Missouri resident with a current residential address of 509 Cimarron Woods Ct., Wentzville, Missouri 63385.
2. On November 14, 2016, the Department received White's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
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. White answered "Yes" to Background Information Question Number 1 on his Application and attached a handwritten statement. He also attached documentation regarding the following felony convictions:

a. On March 6, 2012, White pled guilty to the Class C Felony of Burglary in the Second Degree in violation of § 569.170, and the Class C Felony of Stealing, in violation of § 570.030. *State v. Xavier O. White*, St. Charles Co. Cir. Ct., Case No. 1111-CR05095-01. The court suspended imposition of sentence and placed White on supervised probation for five years. *Id.* On June 30, 2014, the court found that White had violated his probation and sentenced him to seven years in the Department of Corrections on each count, with long term drug treatment. *Id.* The court ran the sentences concurrently with each other and concurrently with the sentences in White's other cases, to wit: *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR0792-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR05893-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR06826-01; and *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1411-CR00184-01. *Id.*

b. On April 28, 2014, White pled guilty to the Class C Felony of Stealing, in violation of § 570.030. *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR00792-01. The court sentenced White to seven years in the Department of Corrections, with long term drug treatment. *Id.* The court ran the sentence concurrently with White's other sentences in the following cases: *State v. Xavier O. White*, St. Charles Co. Cir. Ct., Case No. 1111-CR05095-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR05893-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR06826-01; and *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1411-CR00184-01. *Id.*

c. Also on April 28, 2014, White pled guilty to the Class C Felony of Stealing in violation of § 570.030. *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR05893-01. The court sentenced White to seven years in the Department of Corrections, with long term drug treatment. *Id.* The court ran the sentences concurrently with White's other sentences in the following cases: *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR0792-01; *State v. Xavier O. White*, St. Charles Co. Cir. Ct., Case No. 1111-CR05095-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR06826-01; and *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1411-CR00184-01. *Id.*

d. Also on April 28, 2014, White pled guilty to the Class B Felony of Burglary in the First Degree, in violation of § 569.160. *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR06826-01. The court sentenced White to ten years in the Department of Corrections, with long term drug treatment. *Id.* The court ran the sentences concurrently with White's other sentences in the following cases: *State v. Xavier Orlando White*, St. Charles Co.

Cir. Ct., Case No. 1311-CR0792-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR05893-01; *State v. Xavier O. White*, St. Charles Co. Cir. Ct., Case No. 1111-CR05095-01; and *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1411-CR00184-01. *Id.*

e. Also on April 28, 2014, White pled guilty to the Class C Felony of Possession of a Controlled Substance, in violation of § 195.202. *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1411-CR00184-01. The court sentenced White to seven years in the Department of Corrections, with long term drug treatment. *Id.* The court ran the sentences concurrently with White's other sentences in the following cases: *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR0792-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR05893-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR06826-01; and *State v. Xavier O. White*, St. Charles Co. Cir. Ct., Case No. 1111-CR5095-01. *Id.*

5. The Division's investigation revealed that White also has two misdemeanor convictions that White did not disclose in response to Background Information Question Number 1 on his Application:

a. On September 24, 2012, White pled guilty to the Class A Misdemeanor of Stealing, in violation of § 570.030. *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1211-CR01849. The court suspended imposition of sentence and placed White on probation for two years. *Id.* On July 7, 2014, the court revoked White's probation and sentenced him to 30 days in jail. *Id.*

b. On July 7, 2014, White pled guilty to the Class A Misdemeanor of Stealing, in violation of § 570.030. *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR07004. The court sentenced White to 30 days in jail. *Id.*

6. It is inferable, and hereby found as fact, that White failed to disclose his two misdemeanor convictions on his Application in the hopes that the Director would look more favorably upon his Application and issue a license to him.

CONCLUSIONS OF LAW

7. 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:

(3) Obtained or attempted to obtain a license through material misrepresentation or fraud; [or]

* * *

(5) Been convicted of any felony[.]

8. The Director may refuse to issue a motor vehicle extended service contract producer license to White under § 385.209.1(3) because White attempted to obtain a license through material misrepresentation or fraud because while he disclosed his felony convictions, he failed to disclose his two Misdemeanor Stealing convictions on his Application.
9. The Director may refuse to issue a motor vehicle extended service contract producer license to White under § 385.209.1(5) because White has been convicted of a felony. More particularly, White has been convicted of six felonies – one conviction each for the crimes of Burglary in the First Degree, Burglary in the Second Degree, and Possession of a Controlled Substance, and three convictions for Felony Stealing. *State v. Xavier O. White*, St. Charles Co. Cir. Ct., Case No. 1111-CR05095-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR0792-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR05893-01; *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1311-CR06826-01; and *State v. Xavier Orlando White*, St. Charles Co. Cir. Ct., Case No. 1411-CR00184-01. *Id.*
10. Each felony conviction constitutes a separate and sufficient ground for the Director to refuse to issue White a motor vehicle extended service contract producer license under § 385.209.1(5).
11. The above-described instances are grounds upon which the Director may refuse to issue White a motor vehicle extended service contract producer license. White has six felony convictions and White failed to disclose his two misdemeanor convictions in response to Background Information Question Number 1 on the Application.
12. The Director has considered White's history and all of the circumstances surrounding White's Application. Issuing a motor vehicle extended service contract producer license to White would not be in the interest of the public.

Accordingly, the Director exercises her discretion to refuse to issue White a motor vehicle extended service contract producer license.

13. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license Application of **Xavier Orlando White, II** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 14th DAY OF June, 2017.



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 15th day of June, 2017, 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:

Xavier Orlando White
509 Cimarron Woods Ct.
Wentzville, MO 63385

Tracking No. 1ZOR15W84295681654



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