



FINAL ORDER
EFFECTIVE
11-17-2017

State of Missouri
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

MEREDITH MICHELE CACCIATORE,

Applicant.

Case No. 170719322C

ORDER REFUSING TO ISSUE
MOTOR VEHICLE EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On August 31, 2017, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse the motor vehicle extended service contract producer license application of Meredith Michele Cacciatore. After reviewing the Petition, 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. Meredith Michele Cacciatore ("Cacciatore") is a Missouri resident with a residential and mailing address of 4424 Louisiana Avenue, Saint Louis, Missouri 63116-1006.
2. On July 13, 2012, the St. Louis City Circuit Court entered a judgment incorporating an administrative order requiring Cacciatore to pay \$111.00 per month as child support beginning June 15, 2012. *Wright v. Cacciatore*, St. Louis City Cir. Ct., Case No. 1222-AD00666.
3. On April 6, 2017, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Cacciatore's Application for Motor Vehicle Extended Service Contract Producer License ("Application").
4. The "Applicant's Certification and Attestation" section of the Application, which Cacciatore accepted by signing before a notary on March 31, 2017, provides, in relevant part:

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.

* * *

I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have a child support obligation that is in arrears, I am in compliance with a repayment plan to cure the arrears, and I have provided all information and documentation requested in Background Information Question []7.

5. Background Information Question 7 of the Application asked:

Do you currently have or have you had a child support obligation?

If you answer yes:

- a) are you in arrearage?
- b) by how many months are you in arrearage?
- c) what is the total amount of your arrearage?
- d) are you currently subject to a repayment agreement to cure the arrearage? (If you answer yes, provide documentation showing an approved repayment plan from the appropriate state child support agency.)
- e) are you in compliance with said repayment agreement? (If you answer yes, provide documentation showing proof of current payments from the appropriate state child support agency.)
- f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)
- g) have you ever been convicted of a misdemeanor or felony for failure to pay child support?

- 6. In response to Background Information Question 7 of the Application, Cacciatore acknowledged that she had a child support obligation, but specifically denied any arrearage. Cacciatore included no documentation of her child support obligation with her Application.
- 7. As of March 31, 2017, Cacciatore's child support arrears totaled \$3,167.04, or approximately twenty-eight months' payments. *See* Case No. 51444797, Missouri Dep't of Soc. Servs., Family Support Div., Child Support Enforcement.
- 8. On May 10, 2017, Special Investigator Andrew Engler with the Department's Consumer Affairs Division ("Division") sent Cacciatore a letter by first-class mail, postage prepaid, requesting additional information and documents not provided with her Application. The inquiry letter warned that a "response was due within twenty days... [and f]ailure to respond could result in an administrative action."
- 9. The United States Postal Service did not return the Division's May 10, 2017 inquiry letter as being undeliverable; therefore, Cacciatore is presumed to have received it.

10. Cacciatore never responded to the Division's May 10, 2017 inquiry letter.
11. Cacciatore has not demonstrated any reasonable justification for her failure to respond to the Division's May 10, 2017 inquiry letter.
12. It is inferable that Cacciatore failed to disclose her child support arrearage, as required by Background Information Question 7 of the Application, in order to misrepresent her compliance to the Director and thereby increase the likelihood that the Director would approve her Application and issue her a motor vehicle extended service contract ("MVESC") producer license.

CONCLUSIONS OF LAW

13. Section 385.209.1, RSMo¹ 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:

* * *

- (2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director;
- (3) Obtained or attempted to obtain a license through material misrepresentation or fraud; [or]

* * *

- (12) Failed to comply with an administrative or court order imposing a child support obligation[.]

14. Title 20 CSR 100-4.100(2)(A) is a rule of the Director and provides:

Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

¹ All statutory references are to the 2016 Missouri Revised Statutes.

15. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. E.D. 2000) (internal citation omitted).
16. The Director may refuse to issue a MVESC producer license to Cacciatore pursuant to § 385.209.1(2) because she violated a rule of the Director, specifically 20 CSR 100-4.100, by failing to respond to the Division's May 10, 2017 inquiry letter and not demonstrating any reasonable justification for her nonresponsiveness.
17. The Director may refuse to issue a MVESC producer license to Cacciatore pursuant to § 385.209.1(3) because she attempted to obtain a license through material misrepresentation or fraud when she failed to disclose her child support arrearage in response to Background Information Question 7 of the Application, as required.
18. The Director may refuse to issue a MVESC producer license to Cacciatore pursuant to § 385.209.1(12) because she has failed to comply with an administrative or court order imposing a child support obligation. *See Wright v. Cacciatore*, St. Louis City Cir. Ct., Case No. 1222-AD00666; Case No. 51444797, Missouri Dep't of Soc. Servs., Family Support Div., Child Support Enforcement.
19. The Director has considered Cacciatore's history and all of the circumstances surrounding Cacciatore's Application. Issuing Cacciatore a MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue Cacciatore a MVESC producer license.
20. This Order is in the public interest.


ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Meredith Michele Cacciatore** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 20th DAY OF September, 2017.




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.

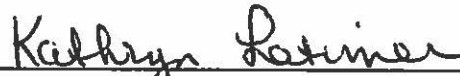
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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September, 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:

Meredith Michele Cacciatore
4424 Louisiana Avenue
Saint Louis, Missouri 63116-1006

No. 1Z0R15W84293356956



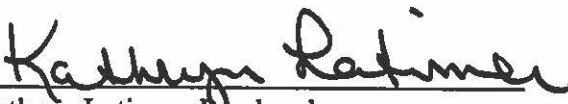
Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-6515
Facsimile: (573) 526-5492
Email: Kathryn.Latimer@insurance.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September, 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:

Meredith Michele Cacciatore
4424 Louisiana Avenue
Saint Louis, Missouri 63116-1006

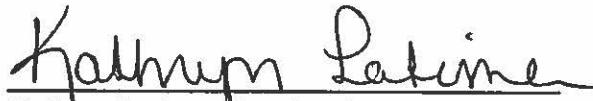
Certified No. 7016 3010 0000 4563 0963


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Telephone: (573) 751-6515
Facsimile: (573) 526-5492
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 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:

Meredith Michele Cacciatore
4424 Louisiana Avenue
Saint Louis, Missouri 63116-1006

A handwritten signature in black ink, reading "Kathryn Latimer". The signature is written in a cursive style with a horizontal line underneath the name.

Kathryn Latimer, Paralegal
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Institutions and Professional Registration
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