



**DEPARTMENT OF COMMERCE AND INSURANCE**

P.O. Box 690, Jefferson City, Mo. 65102-0690

**IN RE:**

**TATANISHA NICOLE FAIR,**  
**Applicant.**

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**Case No. 1901180162C**

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

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. After reviewing the Petition, the Investigative Report, and the entirety of the Petition file the Director issues the following findings of fact, conclusions of law, and order:

**FINDINGS OF FACT**

1. Tatanisha Nicole Fair ("Fair") is an Illinois resident with a residential address of 416 Skyline View Dr., Collinsville, Illinois, 62234.
2. On September 14, 2018, the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Department")<sup>1</sup> received Fair's Application for a motor vehicle extended service contact producer license ("Application").
3. The Application contains an Applicant's Certification and Attestation section, which states 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

<sup>1</sup> The Department of Insurance, Financial Institutions and Professional Registration is the predecessor agency of the Department of Commerce and Insurance. See Executive Order 19-02.

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. Fair signed the Application under oath and before a notary.
5. 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?

6. Fair answered “No” to Background Information Question Number 1 on her application.
7. The Consumer Affairs Division (“Division”) investigated Fair’s Application, revealing that, contrary to her “No” answer to Background Information Question Number 1, Fair has been convicted of two felonies:

On October 5, 2015, Fair entered a plea of guilty in the United States District Court for the Southern District of Illinois to one count of felony Conspiracy to Distribute Controlled Substances, in violation of 21 U.S.C. §§841(a)(1), 846 and 18 U.S.C. §3559 (a)(2), and one count of felony Interstate Travel in Aid of Racketeering, in violation of 21 U.S.C. §1952(a)(3) and 18 U.S.C. §3559 (a)(4). *United States v. Tatanisha Banks-Fair*, Case No. 14-CR30152-NJR-08 (S.D. Ill. 2016). She was sentenced to incarceration of a year and a day, with two years of supervised probation starting after her release, on each count, to run concurrently.

8. On September 28, 2018, Division Special Investigator Andrew Engler (“Engler”) sent an inquiry letter via first class mail, to Fair at the address provided in the Application. In his letter, Engler asked Fair to provide an explanation for her failure to disclose her felony convictions for Conspiracy to Distribute Controlled Substances and Interstate Travel in Aid of Racketeering in her Application. Engler asked for a response within twenty days and stated that “[f]ailure to respond could result in a refusal to issue your MVESC license.”
9. The United States Postal Service did not return Engler’s September 28, 2018 inquiry letter to the Division as undeliverable and, therefore, it is presumed received.
10. On October 24, 2018, Engler sent another inquiry letter to Fair via first-class mail, postage prepaid, to Fair at the address provided in the Application. In his letter, Engler again asked Fair to explain why she had failed to disclose her felony convictions for Conspiracy to Distribute Controlled Substances and Interstate Travel in Aid of Racketeering in her Application. Engler stated that “[p]ursuant to 20 CSR 100-4.100, your response was due within twenty days. I will allow you to respond within an additional twenty days. Failure to respond could result in a refusal to issue your MVESC license.”

11. The United States Postal Service did not return Engler's October 24, 2018 inquiry letter to the Division as undeliverable and, therefore, it is presumed received.
12. It is inferable and hereby found as fact that Fair did not disclose her guilty pleas to Conspiracy to Distribute Controlled Substances and Interstate Travel in Aid of Racketeering to in order to misrepresent to the Director that she did not have felony convictions and to improve the chances that the Director would approve her Application and issue her a motor vehicle extended service contract producer license.

**CONCLUSIONS OF LAW**

13. "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. 2000) (internal citations omitted).
14. Title 20 CSR 100-4.100(2)(A), Required Response to Inquiries by the Consumer Affairs Division, 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 the delay.

15. Section 385.209.1, RSMo (2016),<sup>2</sup> 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]

\* \* \*

(5) Been convicted of any felony[.]

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<sup>2</sup> All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

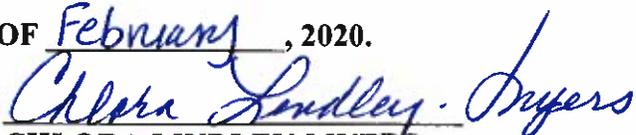
16. The Director may refuse to issue a motor vehicle extended service contract producer license to Fair under §385.209.1(2) because Fair violated 20 CSR 100-4.100(2)(A), a rule of the Director, in that Fair failed to respond to two written inquiries from the Division from September 28, 2018 and October 24, 2018 and Fair failed to demonstrate reasonable justification for any delay.
17. Each violation of 20 CSR 100-4.100(2)(A) constitutes a separate and sufficient ground for the Director to refuse to issue a motor vehicle extended service contract producer license to Fair under §385.209.1(2).
18. The Director may refuse to issue a motor vehicle extended service contract producer license to Fair under §385.209.1(3) because Fair attempted to obtain a license through material misrepresentation or fraud when she failed to disclose her two felony convictions. *United States v. Tatanisha Banks-Fair*, Case No. 14-CR30152-NJR08 (S.D. Ill. 2016).
19. The Director may refuse to issue a motor vehicle extended service contract producer license to Fair under §385.209.1(5) because Fair has been convicted of two felonies, namely:  
  
One count of felony Conspiracy to Distribute Controlled Substances, in violation of 21 U.S.C. §§841(a)(1), 846 and 18 U.S.C. §3559 (a)(2), and one count of felony Interstate Travel in Aid of Racketeering, in violation of 21 U.S.C. §1952(a)(3) and 18 U.S.C. §3559 (a)(4). *United States v. Tatanisha Banks-Fair*, Case No. 14-CR30152-NJR-08 (S.D. Ill. 2016).
20. Each instance in which Fair has been convicted of a felony constitutes a separate and sufficient ground for the Director to refuse to issue Fair a motor vehicle extended service contract license.
21. The Director has considered Fair's history and all the circumstances surrounding Fair's Application and exercises her discretion to refuse to issue Fair a motor vehicle extended service contract producer license.
22. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that Tatanisha Nicole Fair's Application for a motor vehicle extended service contract license is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 19<sup>th</sup> DAY OF February, 2020.

  
**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.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th of February, 2020, 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:

Tatanisha Nicole Fair  
416 Skyline View Dr.  
Collinsville, IL 62234

No. 1Z0R15W84293692860



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