STATE OF MISSOURI

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In re:	)	
	)	
DAWNE M. BOLDEN,	)	**Case No. 110426491C**
	)	
Respondent.	)	

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above-referenced matter for consideration and disposition. The Consumer Affairs Division, through counsel, Tammy S. Kearns, and Respondent Dawne M. Bolden have reached a settlement in this matter and Respondent has consented to the issuance of this Consent Order.

Findings of Fact

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration ("Department") whose duties, pursuant to Chapters 374 and 375 RSMo[1], include supervision, regulation, and discipline of insurance producers.

[1] All statutory references are to the 2011 Supplement to the Revised Statues of Missouri unless otherwise noted.

2. The Consumer Affairs Division of the Department ("Division") has the duty of conducting investigations into the unfair or unlawful acts of insurance producers and companies under the insurance laws of this state and has been authorized by the Director to initiate this action before the Director to enforce the insurance laws of this state.

3. The Department issued Respondent Dawne M. Bolden ("Bolden") an insurance producer license (No. 0415008) on April 8, 2008. Bolden's insurance producer license expired on April 8, 2010.

4. The Division seeks to discipline Respondent Bolden's insurance producer license and alleges the following:

a. Between the dates of March 30, 2006 and June 15, 2006, Bolden was charged with a Class C Felony for theft/stealing property or services valued at $500.00 or more but less than $25,000.00 in violation of § 570.030, and nine Class C Felonies for Forgery in violation of § 570.090. On December 18, 2009, Bolden pled guilty to said charges and was sentenced to eight years in the Missouri Department of Corrections for the theft/stealing conviction and seven years in the Missouri Department of Corrections of each of the nine counts of forgery. *State of Missouri v. Dawne M. Bolden*, St. Louis County, Missouri Circuit Court, Case No. 09SL-CR02238-01.

b. On August 15, 2007, Bolden was charged with a Class C Felony for theft/stealing property or services valued at $500.00 or more but less than $25,000.00 in violation of § 570.030. On December 18, 2009, Bolden pled guilty to said charge and was sentenced to serve seven years in the Missouri Department of Corrections, to run concurrent with the convictions in case number 09SL-CR02238-

01. *State of Missouri v. Dawne M. Bolden*, St. Louis County, Missouri Circuit Court, Case No. 08SL-CR07822-01.

c. On May 29, 2008, Bolden was charged again with a Class C Felony for theft/stealing property or services valued at $500.00 or more but less than $25,000.00 in violation of § 570.030. On December 18, 2009, Bolden pled guilty to said charge and was sentenced to seven years in the Missouri Department of Corrections, to run concurrent with the convictions in case numbers 09SL-CR02238-01 and 08SL-CR07822-01. *State of Missouri v. Dawne M. Bolden*, St. Louis County, Missouri Circuit Court, Case No. 09SL-CR01389-01.

d. On or about April 8, 2008, Bolden submitted a resident license application to the Department.

e. Question #1 of said license application asks: "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?"

f. Bolden answered "No" to Question #1. Therefore, said license application did not disclose Bolden's pending criminal charges or her criminal history.

g. Based on her license application which failed to disclose the pending criminal charges, the Department issued Bolden an insurance producer license on April 8, 2008 (License No. 0415008).

h. On or about October 30, 2009, American Family Life Assurance Company of Columbus ("Aflac") informed the Department via a letter that it had terminated Bolden's employment for cause due to Bolden's alleged creation of bogus business accounts.

i. Aflac further reported to the Department that Bolden issued numerous policies, for which she never paid Aflac premiums, but received approximately $28,367.48 in advanced commissions from Aflac.

j. While investigating this matter, the Department discovered Bolden's numerous above-listed felony convictions that were entered in case numbers 09SL-CR02238-01, 08SL-CR07822-01, and 09SL-CR01389-01.

k. On February 28, 2011, Special Investigator Keith Hendrickson ("Hendrickson"), of the Division, mailed by U.S. mail, a letter to Bolden at her address, requesting a detailed response regarding her alleged production of bogus business accounts and the circumstances surrounding her numerous felony convictions.

l. The February 28, 2011 letter stated that Bolden's response was due on or before March 20, 2011.

m. The Department received Bolden's response on March 24, 2011 in which Bolden stated that she acknowledged the validity of Aflac's allegations. With regards to Bolden's failure to disclose her criminal charges on her license application, Bolden stated that she was not able to speak on the matters since the cases were under appeal.

n. On or about October 20, 2011, Bolden voluntarily dismissed her appeal before the Missouri Court of Appeals, Eastern District, No. ED97344.

5. In light of these facts, Respondent Bolden's insurance producer license is subject to discipline on the following grounds:

a. Bolden's failure to disclose her numerous criminal charges on her license application is grounds to discipline under § 375.141.1(1) because Bolden intentionally provided materially incorrect, misleading, incomplete or untrue information on her license application.

b. Bolden's failure to disclose her numerous criminal charges on her license application is grounds to discipline under § 375.141.1(2) because Bolden violated § 375.141.7 when she failed to report to the Director her criminal prosecution for a felony to the Director within thirty days of the initial pretrial hearing date.

c. Bolden's failure to disclose her numerous criminal charges on her license application is grounds to discipline under § 375.141.1(3) because Bolden obtained her insurance producer license through material misrepresentations.

d. Bolden's license is subject to discipline under § 375.141.1(8) because Bolden used fraudulent and dishonest practices and demonstrated incompetence and untrustworthiness in the conduct of business in this state by issuing numerous policies without premium payments and yet received over $28,000.00 in advanced commissions from Aflac.

e. Bolden's felony convictions, which are also crimes of moral turpitude, are grounds to discipline under § 375.141.1(6).

6. Section 375.141 provides, in relevant part:

> 1. The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:
>
> (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;

* * *

(6) Having been convicted of a felony or crime involving moral turpitude;

* * *

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere[.]

* * *

7. Within thirty days of the initial pretrial hearing date, a producer shall report to the director any criminal prosecution for a felony or a crime involving moral turpitude of the producer taken in any jurisdiction. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant legal documents.

7. The expiration of Bolden's license does not deprive the Director of jurisdiction to discipline the license. *See* § 375.141.4.

8. On or about April 5, 2012, counsel for the Division provided a written description of the specific conduct for which discipline was sought and a citation to the law and rules allegedly violated, together with copies of any documents upon which it based the allegations, and the Division's settlement offer, namely, this Consent Order, in accordance with § 621.045.4(1). Counsel for the Division further advised Bolden that she had sixty (60) days to review the relevant documents and consider the proposed settlement offer in accordance with § 621.045.4(2).

9. Bolden admits to the facts alleged by the Division and outlined in this Consent Order.

10. Bolden agrees that these facts constitute grounds to discipline her insurance producer license pursuant to §§ 375.141.1 (1), (2), (3), (6), and (8).

11. Bolden acknowledges that she understands she has the right to consult an attorney at her own expense.

12. Bolden further acknowledges that she has been advised that she may, either at the time the Consent Order is signed by all parties, or within fifteen (15) days thereafter, submit the Consent Order to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Consent Order constitute grounds for disciplining Bolden's insurance producer license.

13. Except as provided in paragraph 12, above, Bolden stipulates and agrees to waive any rights that she may have to a hearing before the Administrative Hearing Commission or the Director and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Consent Order and forever release and hold harmless the Department, the Director, his agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

14. Bolden acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Bolden further acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications and that it is her responsibility to comply with the reporting requirements of each state in which she is licensed.

15. Each signatory to this Consent Order certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she represents, to accept the terms and provisions of this Consent Order in their entirety, and agrees, in his or her personal or representational capacity, to be bound by the terms of this Consent Order.

Conclusions of Law

16. The allegations raised by the Consumer Affairs Division, and admitted to herein by Bolden, are grounds to discipline Bolden's insurance producer license pursuant to §§ 375.141.1(1), (2), (3), (6), and (8).

17. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to §§ 374.046, 621.045, and 536.060.

18. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Consent Order is in the public interest.

ORDER

IT IS ORDERED THAT Respondent Dawne M. Bolden's insurance producer license (No. 0415008) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 15th **DAY OF** MAY **, 2012.**

JOHN M. HUFF, Director
Missouri Department of Insurance,
Financial Institutions and Professional
Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Respondent Dawne M. Bolden has a right to a hearing, but that Respondent waived the hearing and consented to the issuance of this Consent Order.

Dawne Bolden Poole — April 17, 2012

Dawne M. Bolden — Date
Women's Eastern Correctional Center
1101 East Highway 54
P.O. Box 300
Vandalia, Missouri 63382
Telephone: (573) 594-6686
Respondent

_____ — _____

Counsel for Respondent — Date
Name: _____
Missouri Bar No. _____
Address: _____
_____
Phone: _____
Fax: _____

Tammy S Kearns — May 11, 2012

Tammy S. Kearns — Date
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