DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
Jonas Artides Caffey,	)	**Case No. 12-0210161C**
	)	
Respondent.	)	

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division, through counsel Carolyn H. Kerr, and Jonas Artides Caffey, have reached a settlement in this matter and have consented to the issuance of this Consent Order.

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department"), whose duties, pursuant to Chapters 374, 375, and 385 RSMo,[1] include the supervision, regulation, and discipline of motor vehicle extended service contract producers.

2. The Department's Consumer Affairs Division ("Division") has the duty of conducting investigations into the acts of motor vehicle extended service contract producers

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

under Chapters 374, 375, and 385, and is authorized to investigate and recommend enforcement action, including motor vehicle extended service contract producer license application refusal.

3. On or about December 2, 2011, Caffey submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

4. In the section of the Application headed "Background Information," Question # 1 asks, in part: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"

5. Caffey answered "Yes" to Background Question # 1, provided an explanation for five crimes, and attached Case.net docket sheets for the following:

(1) *State v. Jonas Caffey,* Warren Co. Cir. Ct., No. 12CR5990105; Burglary – 2nd Degree (Class C Felony violation of § 569.170); guilty plea; suspended imposition of sentence;

(2) *State v. Jonas A. Caffey*, Warren Co. Cir. Ct., No. 12R0603000119; Possession of up to 35 Grams Marijuana (Class A Misdemeanor violation of § 195.202); guilty plea; fine;

(3) *State v. Jonas Caffey,* Warren Co. Cir. Ct., No. 07BB-CR01397; Two Counts of Possession of up to 35 Grams Marijuana (Class A Misdemeanor violation of §195.202; guilty plea; suspended execution of sentence; probation revoke and Caffey incarcerated;

(4) *State v. Jonas A. Caffey*, Warren Co. Cir. Ct., No. 08BB-CR00775-01; Distribute/Deliver/Manufacture/Produce or Attempt to or Possess with Intent to Distribute/Deliver/Manufacture/Produce a Controlled Substance (Class B Felony violation of § 195.211); guilty plea; suspended execution of sentence with shock incarceration; and

(5) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 09BB-C00525; Possession of up to 35 Grams Marijuana (Class A Misdemeanor violation of § 195.202); guilty plea; Caffey was ordered to serve six months in jail consecutive to Case No. 09BB-CR00526 and concurrent to other cases.

6. On January 9, 2012, Caffey submitted a letter to Department revealing the following criminal convictions:

(1) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 12CR5990105. This conviction was previously revealed with Caffey's Application;

(2) A January 2003 marijuana conviction where Caffey paid a $250 fine. This conviction was previously revealed with Caffey's Application as *State v. Jonas A. Caffey*, Warren Co. Cir. Ct., No. 12R0603000119;

(3) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 07BB-CR01397. This conviction was previously revealed with Caffey's Application;

(4) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 08BB-CR00775-01. This conviction was previously revealed with Caffey's Application;

(5) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 09BB-CR00525. This conviction was previously revealed with Caffey's Application;

(6) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 05AB-CR00091. Three counts, including Possession of Up to 35 Grams Marijuana (Class A Misdemeanor violation of § 195.202), Property damage 2nd Degree (Class B Misdemeanor violation of § 569.120), and Assault 3rd Degree – With Physical Injury (Class A Misdemeanor violation of § 565.070); tried/court guilty on all three counts; Incarceration sentenced on first count, and suspended Imposition of Sentence on last two counts;

(7) Driving while revoked three separate times in 6 years, including *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 08BB-CR00722. Operating a motor vehicle on highway while driver's license privilege revoked (Class A Misdemeanor violation of § 302.321); guilty plea; 30 day incarceration.

(8) Property damage arising from Caffey's 1999 burglary conviction in *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 12CR5990105.

7. Caffey revealed the following convictions on his Application:

(1) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 12CR5990105;

(2) *State v. Jonas A. Caffey*, Warren Co. Cir. Ct., No. 12R0603000119;

(3) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 07BB-CR01397;

(4) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 08BB-CR00775-01;

(5) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 09BB-CR00525;

(6) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 05AB-CR00091;

(7) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 08BB-CR00722 and two other unspecified "misdemeanor charges that include driving while revoked 3 times over a course of 6 years;" and

(8) Property damage arising from Caffey's 1999 burglary conviction in *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 12CR5990105.

8. Caffey did not reveal the following convictions on his Application:

(1) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 06BB-CR00937; Possession of Up to 35 Grams Marijuana (Class A Misdemeanor violation of § 195.202); guilty plea; fine;

(2) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 09BB-CR00526; Unlawful Use of Drug Paraphernalia (Class A Misdemeanor violation of § 195.233); guilty plea; Caffey was ordered to serve six months in jail consecutive to Case No. 09BB-CR00525 but concurrent to other cases; and

(3) *State v. Jonas A Caffey*, Warren Co. Cir. Ct., No. 10BB-CR0861; Peace Disturbance (Class B misdemeanor violation of § 574.010); guilty plea; fine.

9. Caffey acknowledges and understands that under § 385.209.1(3), the Director may refuse to issue a motor vehicle extended service contract producer license to Caffey because Caffey obtained or attempted to obtain a license through material misrepresentation or fraud.

10. Caffey acknowledges and understands that under § 385.209.1(5), the Director may refuse to issue a motor vehicle extended service contract producer license to Caffey because Caffey has been convicted of a felony.

11. Caffey acknowledges and understands that he has the right to consult counsel at his own expense.

12. This Consent Order is entered pursuant to §§ 374.046 and 385.216. As such, any interested person aggrieved by this Consent Order may request a hearing before the Director or review of this Consent Order in a circuit court under § 374.055. Although under the Department's interpretation of the relevant statutes, review of this Consent Order by the Administrative Hearing Commission is not available, Caffey nevertheless may have the right,

under § 621.045, to submit this Consent Order to the Administrative Hearing Commission for a determination that the facts agreed to in this Consent Order constitute grounds to refuse Caffey's license.

13. Caffey stipulates and agrees to waive any waivable rights that he may have to a hearing before the Administrative Hearing Commission, 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 releases and holds harmless the Department, the Director and his agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

14. 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

15. The actions admitted by Caffey may be grounds to refuse his Missouri motor vehicle extended service contract producer license application pursuant to § 385.209.1(3) and (5).

16. The Director may impose orders in the public interest under §§ 374.046 and 385.216.

17. 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 the Department will issue a motor vehicle extended service contract producer license to Jonas Artides Caffey subject to the conditions set forth herein.

IT IS ORDERED that Jonas Artides Caffey shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or a consumer within five business days of receipt. Caffey shall report in writing all consumer complaints, both written and oral, to the Consumer Affairs Division of the Department, within five business days of receipt. If a complaint was not communicated to Caffey by the Department, Caffey shall send the Department a copy of the complaint and Caffey's response to the consumer within five business days of receipt.

IT IS ORDERED that Jonas Artides Caffey shall execute and submit any necessary documents to provide the Department access to Caffey's probation and court records, including access to any chemical test results.

IT IS ORDERED that Jonas Artides Caffey shall report to the Consumer Affairs Division any and all of the following incidents involving Caffey: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Caffey shall report all such incidents to the Consumer Affairs Division within five business days of their occurrence.

IT IS ORDERED that for five years subsequent to the date of this executed Consent Order, Jonas Artides Caffey will voluntarily surrender his license to the Department within five business days of Caffey's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for a felony, regardless of whether sentence is imposed, suspended, or executed.

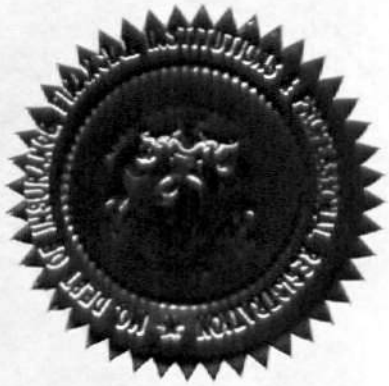
IT IS ORDERED that Jonas Artides Caffey shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Caffey in another jurisdiction or by another governmental agency in this state within five business days after Caffey receives notification of the initiation of such administrative action.

IT IS ORDERED that Jonas Artides Caffey shall report to the Consumer Affairs Division any violation of or failure to comply with the laws set forth in Chapters 374, 375, or 385 within five business days of such violation or failure to comply.

IT IS ORDERED that if Jonas Artides Caffey maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Caffey may apply to renew his license and the Director shall consider the renewal application in accordance with Chapters 374, 375, and 385 without regard to Caffey's prior felonies, or the underlying conduct.

IT IS ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, and without limitation, as authorized by Chapters 374, 375, and 385 including remedies for violation of, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 3RD DAY OF AUGUST, 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 Jonas Artides Caffey may have a right to a hearing, but that Jonas Artides Caffey has waived the hearing and consented to the issuance of this Consent Order.

Jonas Artides Caffey
225 Casalon Apt. #2
O'Fallon, Missouri 63366
Respondent

7-30-2012
Date

Counsel for Respondent
Name: _____
Missouri Bar No. _____
Address: _____
_____
Telephone: _____

Date

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8/2/12
Date