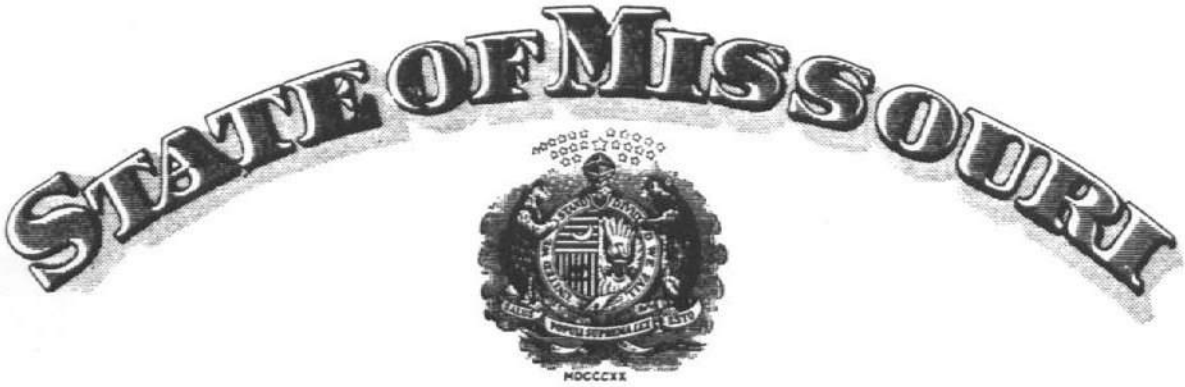

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
Kyle S. Cast,	)	**Case No. 120124073C**
	)	
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 Tamara W. Kopp, and Kyle S. Cast, 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 July 14 and 16, 2009, Kyle S. Cast ("Cast"), with the intent to distribute, possessed more than 5 grams of marijuana, a controlled substance knowing of its presence and nature, in violation of § 195.211, and on July 16, 2009, possessed drug paraphernalia with the intent to use, in violation of § 195.233.

4. On March 15, 2010, Cast pleaded guilty to the Class B Felonies of sale of a controlled substance and possession of a controlled substance with intent to distribute. The Court suspended the imposition of Cast's sentence and ordered that he complete five years supervised probation. *State v. Kyle Cast*, St. Charles County Circuit Court, Case No. 0911-CR04170.

5. Cast's probation is scheduled to be completed March 15, 2015.

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

7. Cast acknowledges and understands that should he fail to complete the terms of his probation, under § 385.209.1(5), the Director may refuse or discipline Cast's motor vehicle extended service contract producer license. *State v. Kyle Cast*, St. Charles County Circuit Court, Case No. 0911-CR04170.

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

9. 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, Cast 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 Cast's license.

10. Cast 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.

11. 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

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

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

14. 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 Kyle S. Cast subject to the conditions set forth herein.

IT IS ORDERED that Kyle S. Cast 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. Cast 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 Cast by the Department, Cast shall send the Department a copy of the complaint and Cast's response to the consumer within five business days of receipt.

IT IS ORDERED that Kyle S. Cast shall maintain full compliance with all court orders and other requirements relating to *State v. Kyle Cast*, St. Charles County Circuit Court, Case No. 0911-CR04170. Cast shall sign and submit a Statement of Compliance to the Director within 30 days of his completion of probation. Should Cast fail to successfully complete probation, Cast shall notify the Consumer Affairs Division within five business days of the dismissal from or revocation of probation and notify the Consumer Affairs Division of the consequences of such failure, dismissal or revocation.

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

IT IS ORDERED that Kyle S. Cast shall report to the Consumer Affairs Division any and all of the following incidents involving Cast: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or

misdemeanor. Cast 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, Kyle S. Cast will voluntarily surrender his license to the Department within 30 days of Cast'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 Kyle S. Cast shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Cast in another jurisdiction or by another governmental agency in this state within five business days after Cast receives notification of the initiation of such administrative action.

IT IS ORDERED that Kyle S. Cast 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 Kyle S. Cast maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, including the successful completion of probation, Cast 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 Cast's prior felonies in, or the conduct underlying, *State v. Kyle Cast*, St. Charles County Circuit Court, Case No. 0911-CR04170.

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 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 Kyle S. Cast may have a right to a hearing, but that Kyle S. Cast has waived the hearing and consented to the issuance of this Consent Order.

5-8-12

Kyle S. Cast
26 Ridge Mount Court
St. Charles, Missouri 63303
Respondent

Date

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

Date

Tamara W Kopp

5-11-12

Tamara W. Kopp
Counsel for Consumer Affairs Division
Missouri Bar No. 59020
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492

Date

Missouri Department of Insurance, Financial
Institutions and Professional Registration
Attn: Legal Section
301 West High Street, Room 530
Jefferson City, Missouri 65101

RE: Statement of Compliance
State v. Kyle Cast, St. Charles County Circuit Court, Case No. 0911-CR04170
DIFP Case No. 120124073C

I, Kyle S. Cast, hereby truthfully state under penalty of perjury, that I successfully completed the probation associated with *State v. Kyle Cast*, St. Charles County Circuit Court, Case No. 0911-CR04170, on _____, 20_____.

Signed: _____ _____
Kyle S. Cast Date

In witness whereof I have hereunto subscribed my name and affixed my official seal this ____ day of _____, 20____.

_____
Notary

My commission expires: _____