DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	**Case No. 11-1128806C**
NATHAN D. CODAY,	)	
	)	
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 legal counsel Carolyn H. Kerr, and Nathan D. Coday 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 and 375, RSMo,[1] include the supervision, regulation and discipline of insurance producers and business entity producers.

2. The Consumer Affairs Division ("Division") has the duty of conducting investigations into the acts of insurance producers under the insurance laws of this state and is

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

authorized by the Director to investigate and to recommend enforcement action for violations of the insurance laws of this state.

3. On or about October 17, 2011, Coday submitted an electronic Application for Residence Individual Insurance Producer License ("Application") to the Department.

4. In the section of the Application headed "Background Information," Question # 1 asks: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" Coday answered "Yes" and provided a letter of explanation and copies of relevant court documents.

5. On or about October 28, 2010, Coday was charged in a single count Felony Complaint alleging that Coday "committed the class C felony of domestic assault in the second degree", in violation of § 565.073. An Amended Felony Complaint, filed on or about November 4, 2010, charged Coday with one count of "class C felony of domestic assault in the second degree" and one count of "class C felony of felonious restraint." *State of Missouri v. Nathan Daniel Coday*, Case No. 1031-CR07248.

6. On or about August 12, 2011, in the same criminal matter, the prosecutor filed an Amended Misdemeanor Information alleging a single count of "the class A misdemeanor of domestic assault in the third degree." On that same day, Coday entered a plea of guilty to the amended charge of domestic assault in the third degree, a class A misdemeanor. The court suspended the imposition of sentence, placed Coday on two years "CASP Supervised probation," and imposed other conditions of probation. *State of Missouri v. Nathan Daniel Coday*, Case No. 1031-CR07248.

7. If Coday fails to successfully complete his court-ordered probation, the original sentence will be imposed, and Coday will be deemed to have been convicted of Domestic Assault, 3rd Degree, which constitutes a crime of moral turpitude.

8. Coday acknowledges and understands that under § 375.141.1(6) the Director may refuse to issue his insurance producer license if Coday is convicted of a felony or crime involving moral turpitude.

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

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

11. Coday stipulates and agrees to waive any waivable rights that he 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 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.

12. 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

19. The Director may impose orders in the public interest under § 374.046.

20. 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.

Settlement Terms

IT IS ORDERED that the Department will issue an insurance producer license to Nathan Coday, subject to the conditions set forth herein;

IT IS ORDERED that Nathan D. Coday shall report to the Department of Insurance, Financial Institutions and Professional Registration any arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or crime of moral turpitude, within five business days of such arrest, citation, plea or finding, including, but not limited to, all actions taken by the court in *State of Missouri v. Nathan Daniel Coday*, Case No. 1031-CR07248.

IT IS FURTHER ORDERED that Nathan D. Coday shall report to the Department any administrative action taken against Coday in another jurisdiction or by another governmental agency in this state within five business days after he receives notification of the initiation of such administrative action;

IT IS FURTHER ORDERED that for ten years subsequent to the date of this executed Consent Order, Nathan D. Coday will voluntarily surrender his license to the Department within 30 days of Coday' entry of a guilty plea, nolo contendere plea, finding of guilt, or conviction for a felony or crime of moral turpitude;

IT IS FURTHER ORDERED that the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374 and 375, RSMo.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 6th DAY OF APRIL, 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 Nathan D. Coday has the right to a hearing, but that Nathan D. Coday has waived the hearing and consented to the issuance of this Consent Order.

Nathan D. Coday
899 N. Diggins Main St.
Seymour, MO 65746
Respondent

3-28-12
Date

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

Date

Carolyn H. Kerr
Counsel for Consumer Affairs Division
Missouri Bar No. 45718
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

4/4/12
Date