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MO. DEPT. OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
JAMES WILLIAM COLLINS,	)	**Case No. 120327320C**
	)	
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 Tammy S. Kearns, and James William Collins, 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 February 7, 2000, James William Collins ("Collins") intentionally or knowingly possessed with an intent to deliver a controlled substance, to-wit: cocaine, in an amount of one (1) gram or more but less than four (4) grams by aggregate weight including any adulterants or dilutants, and gamma hydroxybutyrate, in an amount of two hundred (200) grams or more but less than four hundred (400) grams by aggregate weight including any adulterants or dilutants. Collins also intentionally or knowingly possessed three (3), four (4) methylenedioxy methamphetamine, in the amount of less than one (1) gram by aggregate weight including any adulterants or dilutants.

4. On or about June 2, 2000, Collins pleaded guilty to Possession of a Controlled Substance with Intent to Deliver, a felony, and was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for five (5) years. *State of Texas v. James William Collins*, District Court of Denton County, Texas, Case No. F-2000-0392-B.

5. On or about June 2, 2000, Collins pleaded guilty to Possession of a Controlled Substance, a felony, and was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for two (2) years. *State of Texas v. James William Collins*, District Court of Denton County, Texas, Case No. F-2000-0393-B.

6. On or about June 9, 2000, Collins pleaded guilty to Possession of a Controlled Substance with Intent to Deliver, a felony, and was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for five (5) years. *State of Texas v. James William Collins*, District Court of Denton County, Texas, Case No. F-2000-0394-B.

7. According to Collins, he completed his sentences successfully and was released early for good behavior after serving approximately two (2) years of his sentence.

8. On or about December 15, 2011, the Department received Collins's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

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

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

11. 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, Collins 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 Collins's license.

12. Collins 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.

13. 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

14. The actions admitted by Collins are grounds to refuse his Missouri motor vehicle extended service producer license application pursuant to § 385.209.1(5).

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

16. 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 James William Collins subject to the conditions set forth herein.

IT IS ORDERED that James William Collins shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or a consumer within five (5) business days of receipt. Collins shall report in writing all consumer complaints, both written and oral, to the Consumer Affairs Division of the Department, within five (5) business days of receipt. If a complaint was not communicated to Collins by the Department, Collins shall send a copy of the complaint and Collins's response to the consumer within five (5) business days of receipt.

IT IS ORDERED that James William Collins shall report to the Consumer Affairs Division any and all of the following incidents involving Collins: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or misdemeanor. Collins shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

IT IS ORDERED that for five (5) years subsequent to the date of this executed Consent Order, James William Collins will voluntarily surrender his license to the Department within thirty (30) days of Collins'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 James William Collins shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Collins in another jurisdiction or by another governmental agency in this state within five (5) business days after Collins receives notification of the initiation of such administrative action.

IT IS ORDERED that James William Collins 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, RSMo within five (5) business days of such violation or failure to comply.

IT IS ORDERED that if James William Collins maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Collins 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 Collins's prior related felonies in *State of Texas v. James William Collins*, District Court of Denton County, Texas, Case No. F-2000-0392-B; *State of Texas v. James William Collins*, District Court

of Denton County, Texas, Case No. F-2000-0393-B; and *State of Texas v. James William Collins*, District Court of Denton County, Texas, Case No. F-2000-0394-B.

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 1ST 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 James William Collins may have a right to a hearing, but that James William Collins has waived the hearing and consented to the issuance of this Consent Order.

James William Collins
18102 Cuivre Drive
Lake Saint Louis, MO 63367
Respondent

4/23/12
Date

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

Date

Tammy S. Kearns
Counsel for Consumer Affairs Division
Missouri Bar No. 62992
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
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4/27/12
Date