



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:

LaChelle Cutts,

Respondent.

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Case No. 168145E

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 Andy Heitmann, and LaChelle Cutts, 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 July 11, 1996, LaChelle Cutts ("Cutts") was at the house of Houston A. Wilks when police advised Cutts that Wilks had just sold drugs to an undercover police officer, after which police searched the house and found drugs in a vitamin pill container formerly used by Cutts.

4. On or about March 6, 1997, Cutts was charged with the Class A Felony of Trafficking in the Second Degree and the Class C Felony of Possession of a Controlled Substance in the Circuit Court of St. Louis County.

5. On or about November 2, 1998, Cutts pleaded guilty to the Class A Felony of Trafficking in the Second Degree. *State of Missouri v. LaChelle Cutts*, St. Louis County Circuit Court, 2197R-01504C. The Possession of a Controlled Substance count was dismissed by the State. *Id.*

6. On or about November 2, 1998, the Court sentenced Cutts to the custody of the Missouri Department of Corrections for a period of ten years.

7. Cutts received a suspended execution of sentence, and the Court placed her on probation for a period of five years.

8. On June 11, 2001, Cutts was discharged from probation.

9. On or about May 15, 2012, Cutts submitted an Application for Motor Vehicle Extended Service Contract Producer License (the "Application") to the Department.

10. 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?"

11. Cutts answered "Yes" to Background Question # 1 and attached documentation relevant to the criminal history described in paragraphs 3 through 8 of this Consent Order.

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

13. Cutts acknowledges and understands that she has the right to consult counsel at her own expense.

14. 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, Cutts 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 Cutts's license.

15. Cutts stipulates and agrees to waive any waivable 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 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.

16. 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 representative capacity, to be bound by the terms of this Consent Order.

Conclusions of Law

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

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

19. 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 LaChelle Cutts subject to the conditions set forth herein.

IT IS ORDERED that LaChelle Cutts shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to her by the Department or a consumer within five business days of receipt. Cutts 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 Cutts by the Department, Cutts shall send the Department a copy of the complaint and Cutts's response to the consumer within five business days of receipt.

IT IS ORDERED that LaChelle Cutts shall, upon the Department's request, execute and submit any necessary documents to provide the Department access to Cutts's probation and court records, including access to any chemical test results.

IT IS ORDERED that LaChelle Cutts shall report to the Consumer Affairs Division any and all of the following incidents involving Cutts: arrest, citation, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Cutts 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, LaChelle Cutts will voluntarily surrender her license to the Department within five business days of Cutts'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 LaChelle Cutts shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Cutts in another jurisdiction or by another governmental agency in this state within five business days after Cutts receives notification of the initiation of such administrative action.

IT IS ORDERED that LaChelle Cutts 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 LaChelle Cutts maintains her motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Cutts may apply to renew her license and the Director shall consider the renewal application in accordance with Chapters 374, 375, and 385 without regard to Cutts's prior felony, or the underlying conduct, in *State of Missouri v. LaChelle Cutts*, St. Louis County Circuit Court, 2197R-01504C.

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.

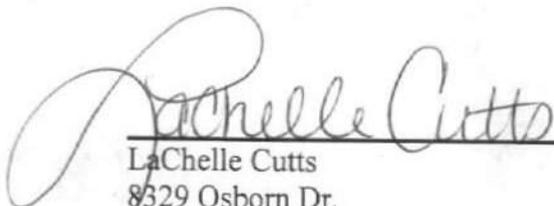
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 3RD DAY OF AUGUST, 2012.



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



LaChelle Cutts

8329 Osborn Dr.
St. Louis, Missouri 63136
Respondent

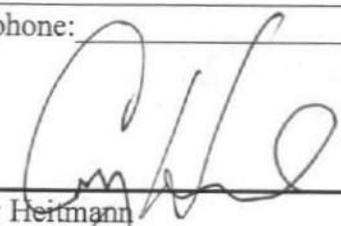
7/23/12
Date

Counsel for Respondent

Name: _____
Missouri Bar No. _____
Address: _____

Telephone: _____

Date



Andy Heitmann

Consumer Affairs Division Counsel
Missouri Bar No. 60679
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-1922
Facsimile: (573) 522-3630

8/1/12
Date

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

RE: Statement of Compliance

State of Missouri v. LaChelle Cutts, St. Louis County Circuit Court, 2197R-01504C
Case No. 168145E

I, LaChelle Cutts, hereby truthfully state under penalty of perjury, that I successfully completed
the probation associated with *State of Missouri v. LaChelle Cutts*, St. Louis County Circuit
Court, 2197R-01504C, on June 11, 2012.

Signed: LaChelle Cutts 7/24/12
Date

In witness whereof I have hereunto subscribed my name and affixed my official seal this
24 day of July, 2012.



RHONDA R. ATKINSON
My Commission Expires
April 27, 2014
St. Louis County
Commission #10498358

Rhonda R. Atkinson
Notary

My commission expires: _____

This certificate is attached to a 1 page document dealing with/entitled Statement Compliance and dated June 11, 2011.

Acknowledgment Certificate

State of Missouri

County of St. Louis

The foregoing instrument was acknowledged before me this 7th day of July, 2012.

by Lachelle N. Cotts

Rhonda R. Atkinson

(Signature of Notary Public)

Rhonda R. Atkinson

(Printed Name of Notary Public, Notary Public)



RHONDA R. ATKINSON
My Commission Expires
April 27, 2014
St. Louis County
Commission #10498358

My Commission Expires: _____

Signer's identity verified in the following manner:

- Personally Known
- Credible Witness
- Produced Satisfactory Identification

Type of ID: M171059015

[SEAL]