DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
Bryan D. Flynn,	)	**Case No. 120416380C**
	)	
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 Bryan D. Flynn, 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 September 20, 2002, Bryan D. Flynn ("Flynn") pled guilty to two counts of Class B Felony Dist/Del/Manf/Produce or Attempt to or Possess with Intent to Dist/Del/Manf/Produce a Controlled Substance in violation of § 195.211, one count of Class D Felony of Unlawful Use of a Weapon in violation of § 571.030, and one count of Class C Felony Possession of a Controlled Substance in violation of § 195.202. The court suspended the imposition of sentence, and placed Flynn on probation for seven years. On September 7, 2006, the court revoked Flynn's probation when he pled guilty in Case No. 2106R-02265-01, and sentenced him to seven years' incarceration. Flynn served approximately 120 days shock incarceration. *State v. Bryan D. Flynn*, St. Louis Co. Cir. Ct., Case No. 2102R-01520-01.

4. On September 7, 2006, Flynn pled guilty to the Class B Felony of Dist/Del/Manf/Produce or Attempt to or Possess with Intent to Dist/Del/Manf/Produce a Controlled Substance in violation of § 195.211, and the Class C Felony of Possession of a Controlled Substance in violation of § 195.202. On December 12, 2006, the court sentenced Flynn to seven years' incarceration. Flynn served approximately 120 days shock incarceration, and then successfully completed five years probation on or about January 5, 2012. *State v. Bryan D. Flynn*, St. Louis Co. Cir. Ct., Case No. 2106R-02265-01.

5. On or about February 24, 2012, Flynn submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

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

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

8. 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, Flynn 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 Flynn's license.

9. Flynn 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.

10. 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

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

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

13. 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 Bryan D. Flynn subject to the conditions set forth herein.

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

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

IT IS ORDERED that Bryan D. Flynn 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 Bryan D. Flynn maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Flynn 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 Flynn's prior felonies, or the underlying conduct, in *State v. Bryan D. Flynn*, St. Louis Co. Cir. Ct., Case No. 2102R-01520-01 and *State v. Bryan D. Flynn*, St. Louis Co. Cir. Ct., Case No. 2106R-02265-01.

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 23RD 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 Bryan D. Flynn may have a right to a hearing, but that Bryan D. Flynn has waived the hearing and consented to the issuance of this Consent Order.

Bryan D. Flynn
1531 Honey Locust Court
Wildwood, Missouri 63005
Respondent

5/17/2012
Date

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

Date

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5-21-12
Date