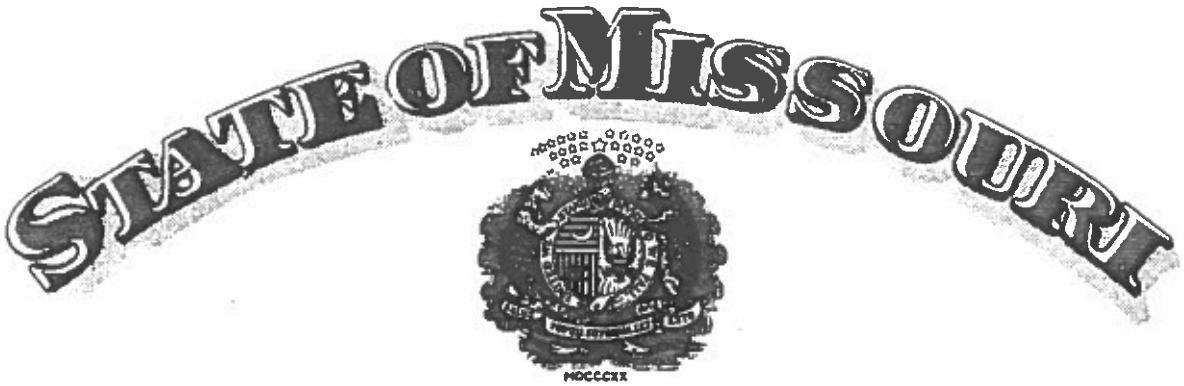

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
GREGORY SCOTT LANDER,	)	**Case No. 141222816C**
	)	
Applicant.	)	

CONSENT ORDER

John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Mary Erickson, and Gregory Scott Lander, 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 RSMo,[1] include the supervision, regulation and discipline of surety recovery agents.

[1] All statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

2. The Consumer Affairs Division ("Division") of the Department has the duty of conducting investigations into the unfair or unlawful acts of surety recovery agents and companies under the insurance laws of this state and has been authorized by the Director to investigate and initiate actions before the Director to enforce the insurance laws of this state, including regarding surety recovery agent license applications.

3. On September 29, 2011, Gregory Scott Phelps legally changed his name to Gregory Scott Lander ("Lander").

4. On August 11, 2014, the Department received Gregory Scott Lander's completed application for a surety recovery agent license ("Application").

5. In his Application, Lander disclosed and provided court records that reflect that on May 3, 2010, Lander pled guilty to Assault While on School Property a Class D Felony, in violation of § 565.075. The court suspended the imposition of sentence and ordered, *inter alia,* Lander to serve two days shock incarceration, and placed Lander on supervised probation for five years. Lander successfully completed his probation on February 1, 2014. *State v. Greg Scott Phelps*, Audrain Co. Cir. Ct., Case No. 09U1-CR00307-01.

6. Lander acknowledges and understands that under §§ 374.784.5 and 374.787.1(2), the Director may refuse to issue a surety recovery agent license to Lander because he pled guilty to a felony.

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

8. Lander 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 Division from all liability and claims arising out of, pertaining to, or relating to this matter.

9. Lander acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Lander further acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications and that it is his responsibility to comply with the reporting requirements of each state in which he is licensed

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 facts admitted by Lander are grounds to refuse his surety recovery agent application pursuant to § 374.784.1(5) and 374.787.1(2).

12. Section 374.784.5 provides:

> The director may refuse to issue any license pursuant to section 374.783 to 374.789, for any one or any combination of causes stated in section 374.787. The director shall notify the application in writing of the reason or reasons for refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission to appeal the refusal as provided by chapter 621.

13. Section 374.787.1 provides, in relevant part:

> 1. The director may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any surety recovery agent or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:
>
> * * *
>
> (2) Final adjudication or a plea of guilty or nolo contendere in a criminal prosecution under state or federal law for a felony or a crime involving moral turpitude, whether or not a sentence is imposed[.]

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

15. 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 surety recovery agent license to Gregory Scott Lander subject to the conditions set forth herein and the following special conditions:

1. Gregory Scott Lander shall report to the Consumer Affairs Division any violation of or failure to comply with Missouri insurance regulations and Missouri insurance laws as they relate to surety recovery agents within five (5) business days of such violation or failure to comply.

2. Gregory Scott Lander 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. If the complaint was not communicated to Lander by the

Department, Lander shall send the Department a copy of the complaint and a copy of Lander's responses to the consumer within five (5) business days of receipt.

3. Gregory Scott Lander shall report to the Consumer Affairs Division any and all of the following incidents involving Lander: arrest, guilty plea, alford plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Lander shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

4. Gregory Scott Lander shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Lander in another jurisdiction or by another governmental agency in this state within five (5) business days after Lander receives notification of the initiation of such administrative action.

5. The special conditions listed in paragraphs 1 through 4 will expire upon the earlier of the expiration or renewal of Gregory Scott Lander's two (2) year surety recovery agent license.

IT IS FURTHER ORDERED that for two (2) years subsequent to the date of this executed Consent Order, Gregory Scott Lander will voluntarily surrender his surety recovery agent license to the Department within five (5) business days of Lander's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for a felony or crime of moral turpitude, regardless of whether sentence is suspended or executed.

IT IS FURTHER ORDERED that if Gregory Scott Lander maintains his surety recovery agent license beyond the initial term and complies with the terms of this Consent Order, Lander may apply to renew his surety recovery agent license and the Director shall consider the renewal application in accordance with Chapter 374 without regard to Lander's

prior suspended imposition of sentence, or the underlying conduct, in *State v. Greg Scott Phelps*, Audrain Co. Cir. Ct., Case No. 09U1-CR00307-01.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, and without limitation, as authorized by Chapters 374 and 375 including remedies for violation of, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 4TH DAY OF JUNE, 2015.

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

Gregory Scott Lander — 5/27/15

Gregory Scott Lander
545 Airway Dr., Apt. 308
Fulton, MO 65251
Telephone: 573-310-3396

Date

Applicant

_____ _____

Counsel for Applicant
Name: _____
Missouri Bar No. _____
Address: _____
_____
Telephone: _____
Facsimile: _____
Email: _____

Date

Mary Slee — 6/3/15

Mary S. Erickson, MO Bar #42579
Counsel for Consumer Affairs Division
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65102
Telephone: (573) 751-2619
Facsimile: (573) 526-5492
mary.erickson@insurance.mo.gov

Date