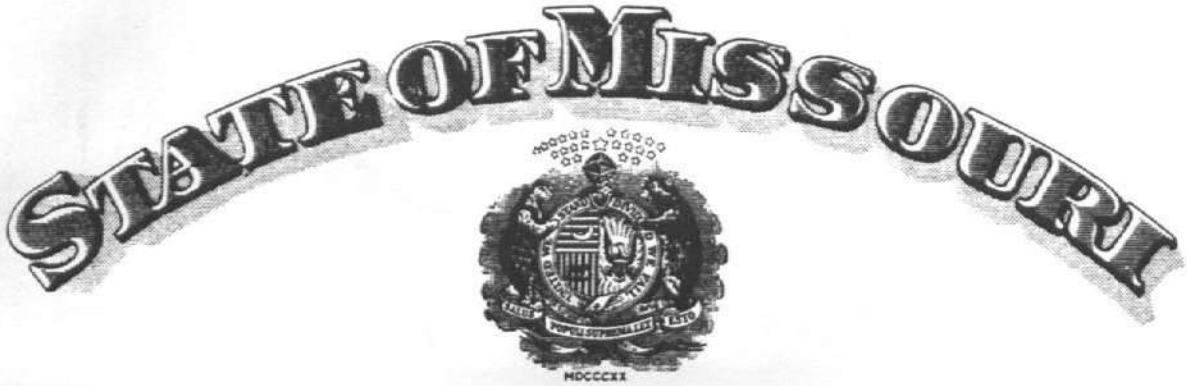

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
KENNETH C. GONDRAN,	)	**Case No. 120313292C**
	)	
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 Kenneth C. Gondran, 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 August 31, 2007, Kenneth C. Gondran ("Gondran") engaged in disorderly conduct in violation of ICS Chapter 720, Act, 5, § 26-1(a)(4), and criminally defaced property in violation of ICS Chapter 720, Act 5, § 21-1.3(B).

4. On or about August 31, 2007, Gondran was charged by information with the Felonies of Disorderly Conduct and Criminal Defacement of Property in Jersey County, Illinois Circuit Court.

5. On November 7, 2007, Gondran pleaded guilty to the Felonies of Disorderly Conduct and Criminal Defacement of Property, and the Court placed him on probation for two years. *State of Illinois v. Kenneth Gondran*, Jersey County, Illinois Circuit Court, Case No. 07-CF-144.

6. On or about April 14, 2008, Gondran knowingly delivered more than 10 grams, but not more than 30 grams, of a substance containing cannabis, otherwise than as authorized in the Cannabis Controlled Act, in violation of ICS Chapter 720, Act 550, § 5(c).

7. On August 21, 2008, Gondran was charged by information with the Felony of Unlawful Delivery of Cannabis in Jersey County, Illinois Circuit Court.

8. On September 29, 2008, Gondran pleaded guilty to Felony Unlawful Delivery of Cannabis. *State of Illinois v. Kenneth Gondran*, Jersey County, Illinois Circuit Court, Case No. 08-CF-140.

9. October 20, 2008, the Court sentenced Gondran to the custody of the Illinois Department of Corrections for a period of two years, to be served concurrently with the sentence imposed in Case Nos. 07-CF-144 and 08-CF-140, followed by one year probation, which he

completed on or about March 22, 2010. *State of Illinois v. Kenneth Gondran*, Jersey County, Illinois Circuit Court, Case No. 07-CF-144; *State of Illinois v. Kenneth Gondran*, Jersey County, Illinois Circuit Court, Case No. 08-CF-140.

10. On or about December 29, 2011, Gondran submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

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

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

13. 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, Gondran 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 Gondran's license.

14. Gondran 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.

15. 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

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

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

18. 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 Kenneth C. Gondran subject to the conditions set forth herein.

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

IT IS ORDERED that Kenneth C. Gondran shall report to the Consumer Affairs Division any and all of the following incidents involving Gondran: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Gondran 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, Kenneth C. Gondran will voluntarily surrender his license to the Department within 30 days of Gondran'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 Kenneth C. Gondran shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Gondran in another jurisdiction or by another governmental agency in this state within five business days after Gondran receives notification of the initiation of such administrative action.

IT IS ORDERED that Kenneth C. Gondran 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.

19. IT IS ORDERED that if Kenneth C. Gondran maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Gondran 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 Gondran's prior felonies in *State of Illinois v. Kenneth Gondran*, Jersey County, Illinois Circuit Court, Case No. 07-CF-144, and *State of Illinois v. Kenneth Gondran*, Jersey County, Illinois Circuit Court, Case No. 08-CF-140.

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

Kenneth C. Gondran 4/4/2012

Kenneth C. Gondran
1400 Heritage Landing, Apartment 204
St. Charles, Missouri 63303
Respondent

Date

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

Date

Tamara W Kopp 4-6-12

Tamara W. Kopp
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Date