DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
JEREMY SHANE HOSKINS,	)	**Case No. 12 0305265 C**
	)	
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 Carolyn H. Kerr, and Jeremy Shane Hoskins ("Hoskins"), 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 December 19, 2011, Hoskins submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

4. 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?"

5. Hoskins answered "Yes" to Background Question # 1.

6. On or about December 14, 2000, an Indictment was filed against Hoskins in *State of Texas v. Jeremy Shane Hoskins*, District Court of Jefferson County, Texas, Cause No. 83208, alleging the second degree felony of Possession of a Controlled Substance, in violation of §481.115 Texas Code of Statutes Annotated ("T.C.S.A.").

7. On or about August 19, 2002, Hoskins plead guilty to the second degree felony of Possession of a Controlled Substance in *State of Texas v. Jeremy Shane Hoskins*, District Court of Jefferson County, Texas, Cause No. 83208.

8. On or about September 24, 2002, the court accepted Hoskin's guilty plea to second degree felony of Possession of a Controlled Substance, in violation of § 481.115(d) T.C.S.A. and sentenced Hoskins to 15 years in the Institutional Division – Texas Department of Criminal Justice. *State of Texas v. Jeremy Shane Hoskins*, District Court of Jefferson County, Texas, Cause No. 83208.

9. On or about April 20, 1999, Hoskins pleaded guilty to "Prohibited Acts – Controlled Substances" and "Poss of Prescription Drugs not Prescribed" in *State of Florida v. Jeremy Shane Hoskins*, Citrus County, Florida Circuit Court, Case No. 99-61-CF. The court

accepted Hoskins' plea and sentenced him to three years probation, the "Drug/Alcohol Offender Probation" and eight hours of community service per month for the term of his probation.

10. On or about March 26, 2001, Hoskins entered a plea of "Admit VOP/CC/DOP/SOP" to the charge of "Prohibited Acts – Controlled Substances." The court found Hoskins guilty, revoked his previously imposed community service and probation and sentenced him to nine months in the Citrus County Jail. *State of Florida v. Jeremy Shane Hoskins*, Citrus County, Florida Circuit Court, Case No. 99-61-CF.

11. Hoskins revealed his conviction entered in *State of Texas v. Jeremy Shane Hoskins*, District Court of Jefferson County, Texas, Cause No. 83208 on his Application, but did not reveal his conviction in *State of Florida v. Jeremy Shane Hoskins*, Citrus County, Florida Circuit Court, Case No. 99-61-CF on his Application.

12. Hoskins acknowledges and understands that under § 385.209.1(3), the Director may refuse to issue a motor vehicle extended service contract producer license to Hoskins because Hoskins obtained or attempted to obtain a license through material misrepresentation or fraud.

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

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

15. 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, Hoskins 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 Hoskins's license.

16. Hoskins 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.

17. 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

18. The actions admitted by Hoskins may be grounds to refuse his Missouri motor vehicle extended service producer license application pursuant to § 385.209.1(3) and (5).

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

20. 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 Jeremy Shane Hoskins subject to the conditions set forth herein.

IT IS ORDERED that Jeremy Shane Hoskins 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. Hoskins shall report in writing all consumer complaints, both written and oral, to the Consumer Affairs Division, within five business days of receipt. If a complaint was not communicated to Hoskins by the Department, Hoskins shall send the Department a copy of the complaint and Hoskins's response to the consumer within five business days of receipt.

IT IS ORDERED that Jeremy Shane Hoskins shall execute and submit any necessary documents to provide the Department access to Hoskins's probation and court records, including access to any chemical test results.

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

IT IS ORDERED that Jeremy Shane Hoskins 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 Jeremy Shane Hoskins maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Hoskins 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 Hoskins's prior felonies in *State of Florida v. Jeremy Shane Hoskins*, Citrus County, Florida Circuit Court, Case No. 99-61-CF and *State of Texas v. Jeremy Shane Hoskins*, District Court of Jefferson County, Texas, Cause No. 83208.

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

Jeremy Shane Hoskins
259 Hutchings Farm Blvd. S
O'Fallon, Missouri 63368
Respondent

Date April 1, 2012

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

Telephone: _____

Date

Carolyn H. Kerr
Counsel for Consumer Affairs Division
Missouri Bar No. 45718
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492

Date 4/5/12