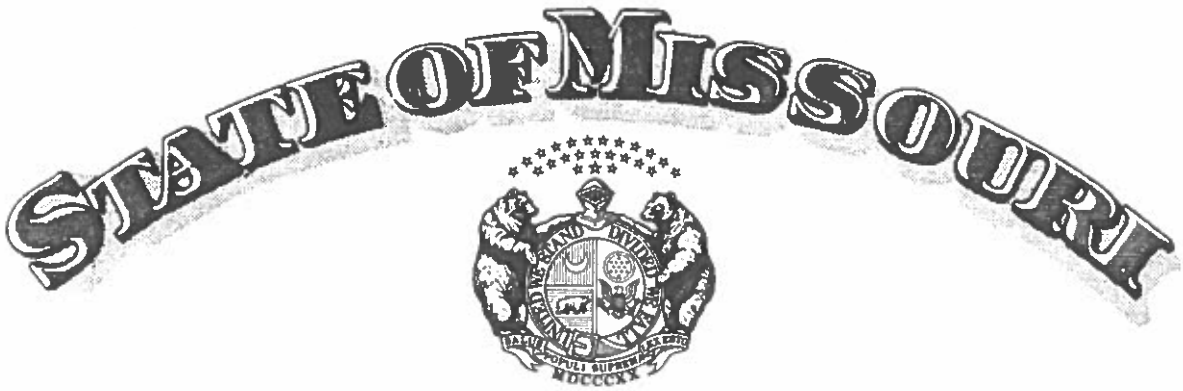

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

IN RE:	)	
	)	
JOYCE MICHELLE GIBBS,	)	**Case No. 150811389C**
	)	
Respondent.	)	

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 Mark J. Rachel, and Respondent Joyce Michelle Gibbs have reached a settlement in this matter and have agreed 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 and 375, RSMo (Supp. 2013),[1] include the supervision, regulation, and discipline of insurance producers.

[1] All statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 RSMo Supplement, 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 insurance producers pursuant to the insurance laws of Missouri, and has been authorized by the Director to investigate and initiate actions before the Director and the Administrative Hearing Commission to enforce the insurance laws of Missouri, including insurance producer license discipline.

3. On October 14, 2011, the Department issued to Joyce Michelle Gibbs ("Gibbs") a non-resident insurance producer license, number 8083560, which expired on October 14, 2013.

4. Gibbs was previously appointed by Bankers Life & Casualty Company, an Illinois corporation ("Bankers"), to conduct insurance business on its behalf, and did so out of a Cape Girardeau, Missouri office until Bankers terminated its contract with Gibbs on October 14, 2013.

5. On or about September 4, 2013, consumer W.W. applied for a Bankers annuity by way of Gibbs.

6. W.W. paid for the Bankers annuity by a personal check in the amount of $5,500 payable to Gibbs personally ("the W.W. check").

7. On or about September 16, 2013, Gibbs diverted the proceeds of the W.W. check to her personal use by converting it to a cashier's check.

8. On or about October 7, 2013, after W.W. called Gibbs's employer regarding the W.W. check and Gibbs was ordered to provide the funds to the company as payment for W.W.'s annuity, Gibbs represented that she was retrieving the cashier's check from her personal residence and would remit it to Bankers.

9. Gibbs's employer lost contact with Gibbs shortly after she advised she was returning with the cashier's check; later, Gibbs claimed to have been abducted at gunpoint and robbed of the cashier's check while in transit, which she reported to law enforcement.

10. On December 4, 2013, the State's Attorney of Johnson County, Illinois charged Gibbs by Amended Information with two counts of Disorderly Conduct, each a Class 4 Felony, and each in violation of 720 I.L.C.S. § 5/26-1(a)(4) ("Disorderly Conduct"), alleging in relevant part:

> That on or about the 7th day of October, 2013, in Johnson County, Illinois, JOYCE M. GIBBS ... knowingly transmitted to the Johnson County Sheriff's Department via 911, [and to an Illinois State Trooper,] a report that an offense had been committed, being that she was taken from a gas station at gunpoint and brought to Ferne Clyffe State Park, while knowing at the time of the transmission that no such offense had been committed.

Illinois v. Joyce M. Gibbs, Johnson Co. Cir. Ct., Case No. 2013-CF-70.

11. On May 21, 2014, the Director of the Illinois Department of Insurance issued an Order of Revocation, revoking Joyce's Illinois insurance producer license. *In the Matter of the Revocation of Licensing Authority of: Joyce Gibbs*, Ill. Dep't of Ins., Hrg. No. 14-HR-0683.

12. On October 22, 2014, Gibbs pled guilty to two counts of Disorderly Conduct. *Illinois v. Joyce M. Gibbs*, Johnson Co. Cir. Ct., Case No. 2013-CF-70.

13. On April 16, 2015, the Johnson County, Illinois Circuit Court convicted Gibbs and sentenced her to two years' incarceration on each count of Disorderly Conduct, to be served concurrently, and one year of mandatory supervised release. *Id.*

14. Gibbs acknowledges and understands that pursuant to § 375.141.1(4), the Director may discipline Gibbs's insurance producer license because she improperly withheld, misappropriated, or converted the W.W. check proceeds, which was money received in the course of doing insurance business.

15. Gibbs acknowledges and understands that pursuant to § 375.141.1(6), the Director may discipline Gibbs's insurance producer license because she has been convicted of two felonies, specifically Disorderly Conduct, and that each conviction constitutes a separate and

sufficient cause for discipline pursuant to § 375.141.1(6).

16. Gibbs acknowledges and understands that pursuant to § 375.141.1(6), the Director may discipline Gibbs's insurance producer license because she has been convicted of two crimes involving moral turpitude, specifically Disorderly Conduct, and that each conviction constitutes a separate and sufficient cause for discipline pursuant to § 375.141.1(6).

17. Gibbs acknowledges and understands that pursuant to § 375.141.1(8), the Director may discipline Gibbs's insurance producer license because she has used fraudulent or dishonest practices, or demonstrated untrustworthiness or financial irresponsibility in the conduct of business.

18. Gibbs acknowledges and understands that pursuant to § 375.141.1(9), the Director may discipline Gibbs's insurance producer license because her Illinois insurance producer license was revoked.

19. Gibbs agrees that the facts contained in this Consent Order constitute cause for the Director to discipline her insurance producer license pursuant to § 375.141.1(4), (6), (8), and (9).

20. Gibbs and the Division desire to settle all allegations raised by the Division.

21. On September 16, 2015, counsel for the Division provided to Gibbs a written description of the specific conduct for which discipline may be sought and citations to the laws allegedly violated, together with copies of any documents upon which it based the allegations, and the Division's settlement offer, specifically this Consent Order, in accordance with § 621.045.4(1). Counsel for the Division further advised Gibbs that she had sixty (60) days to review the relevant documents and consider the proposed settlement offer in accordance with § 621.045.4(2).

22. Gibbs acknowledges and understands that she has the right to consult an attorney at her own expense.

23. Gibbs further acknowledges that she has been advised that she may, either at the time this Consent Order is signed by all parties, or within fifteen (15) days thereafter, submit this Consent Order to the Administrative Hearing Commission for determination that the facts agreed hereby do not constitute cause for discipline of Gibbs's insurance producer license.

24. Except as provided in the preceding paragraph, Gibbs 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 Division from all liability and claims arising out of, pertaining to, or relating to this matter.

25. Gibbs acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Gibbs further acknowledges and understands that this administrative action should be disclosed on future license applications and renewal applications in this state and other jurisdictions, and that it is her responsibility to comply with the reporting requirements of each state in which she may be licensed.

26. 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

27. Section 375.141 provides, in relevant part:

> 1. The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:
>
> * * *
>
> (4) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;
>
> * * *
>
> (6) Having been convicted of a felony or crime involving moral turpitude;
>
> * * *
>
> (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere; [or]
>
> (9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory[.]
>
> * * *
>
> 4. The director may also revoke or suspend pursuant to subsection 1 of this section any license issued by the director where the licensee has failed to renew or has surrendered such license.

28. The facts hereby admitted by Gibbs constitute cause for the Director to revoke Gibbs's expired, non-resident insurance producer license pursuant to § 375.141.1(2), (4), (6), (8), and (9).

29. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to §§ 374.046, 536.060, and 621.045.

30. 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 expired, non-resident insurance producer license of Respondent Joyce Michelle Gibbs, number 8083560, is hereby **REVOKED**.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 6TH **DAY OF** OCTOBER, **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 Joyce Michelle Gibbs has the right to a hearing, but that Joyce Michelle Gibbs has waived the hearing and consented to the issuance of this Consent Order.

Joyce Michelle Gibbs

Joyce Michelle Gibbs, Respondent
#R92052, Logan Correctional Center
1096 1350th Street
Lincoln, Illinois 62656-5094

Telephone: 618-924-2334

Email: N/A

09-28-15
Date

_____

Date

Name: _____
Counsel for Respondent

Missouri Bar # _____

Address: _____

_____

Telephone: _____

Email: _____

Mark Rachel

Mark J. Rachel, Missouri Bar #66167
Counsel for Consumer Affairs Division
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Tel: (573) 522-2619
Fax: (573) 526-5492
Mark.Rachel@insurance.mo.gov

5 October 2015
Date