



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:

Jemail M. Jackson,

Applicant.

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Case No. 193676

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 Andy Heitmann, and Jemail M. Jackson, *pro se*, 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 (MVESC) producers.

2. The Department's Consumer Affairs Division ("Division") has the duty of conducting investigations into the acts of MVESC producers under Chapters 374, 375, and 385,

¹ All statutory references are to the 2012 Supplement to the Revised Statutes of Missouri unless otherwise noted.

and is authorized to investigate and recommend enforcement action, including MVESC producer license application refusal.

3. Jemail M. Jackson, ("Jackson") is a Missouri resident with a residential address of record of 2207 Sims Avenue, St. Louis, Missouri, 63114.

4. On or about February 4, 2006, Jackson was with a friend outside a liquor store. His friend got into a fight with a man and Jackson joined in on his friend's behalf. Afterward, the friend grabbed a bag from the man, containing four cartons of cigarettes and a box containing 100 cigars. Jackson and his friend left together, with Jackson and his friend still in possession of the bag.

5. On June 2, 2006, Jackson pleaded guilty in the St. Louis County Circuit Court to the Class B Felony of Robbery in the Second Degree in violation of § 569.030, RSMo.²

6. The court suspended imposition of the sentence and placed Jackson on five (5) years' supervised probation. Jackson successfully completed his probation on June 2, 2011.

7. On May 17, 2013, the Department received Jackson's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

8. Jackson signed the Application under oath before a notary, attesting to the truth of the information contained in the Application, including his responses to the Background Questions of the Application.

9. Background Question No. 1 of the Application asks the following:

Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving

² *State of Missouri v. Jemail Jackson*, St. Louis Co. Cir. Ct., No. 06CR-000553B-01 (Case.net No. 2106R-00553B-01).

without a license, reckless driving, or driving with a suspended or revoked license or juvenile offenses. "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

"Had a judgement withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt is made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an "SIS" or "SES").

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment[.]

10. Jackson marked "No" to Question No. 1 despite having a judgment withheld or deferred, in the form of a suspended imposition of sentence, upon his June 2, 2006 guilty plea to the Class B Felony of Robbery in the Second Degree.

11. Jackson did not otherwise disclose in his Application the judgment withheld or deferred upon his June 2, 2006 guilty plea to the Class B Felony of Robbery in the Second Degree.

12. On May 24, 2013, Dennis Fitzpatrick, an investigator for the Department's Consumer Affairs Division mailed a written inquiry to Jackson, noting Jackson's guilty plea to the Class B Felony of Robbery in the Second Degree and requesting certified court documents and a written statement explaining the circumstances of the incident underlying the guilty plea.

13. On May 28, 2013, Jackson sent Fitzpatrick a written explanation of the incident and certified copies of the Guilty Plea and Sentence and Judgment in the Felony Robbery in the Second Degree case.

14. On January 23, 2014, in response to an inquiry from the Consumer Affairs Division asking why Jackson answered "No" to Background Question No. 1, Jackson emailed a second written explanation in which he stated, in part, that:

The reason that I answered no to the question is because when I was still on my suspended sentence, my lawyer told me that when I am finish with probation I can go back to putting I haven't been convicted of a felony. I apologize for the inconvenience, but I was just doing what I was instructed to do by my lawyer and since the law is his expertise, I honored his instructions.

15. Jackson acknowledges and understands that under § 385.209.1(3), the Director may refuse to issue an MVESC producer license to Jackson because Jackson attempted to obtain an MVESC producer license through material misrepresentation by failing to disclose in his Application the judgment withheld or deferred—that is, the suspended imposition of sentence—upon his June 2, 2006 guilty plea to the Class B Felony of Robbery in the Second Degree.

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

17. This Consent Order is entered pursuant to § 374.046. As such, any interested person aggrieved by this Consent Order may request a hearing before the Director 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, Jackson 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 to issue Jackson an individual MVESC producer license.

18. Except as provided in Paragraph 17, Jackson 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 Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

19. Jackson acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Jackson 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 or in which he seeks to become licensed.

20. 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

21. Grounds exist to refuse Jackson's Missouri motor vehicle extended service contract producer license application pursuant to § 385.209.1(3).

22. 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 Jemail M. Jackson under the conditions set forth herein.

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

IT IS ORDERED that Jemail M. Jackson shall report to the Consumer Affairs Division any and all of the following incidents involving Jackson: arrest, citation, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Jackson 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, or until such later date as may be agreed between the parties in a subsequent agreement, Jemail M. Jackson will voluntarily surrender his license to the Department within five business days of Jackson'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 Jemail M. Jackson shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Jackson in another jurisdiction or by another governmental agency in this state within five business days after Jackson receives notification of the initiation of such administrative action.

IT IS ORDERED that Jemail M. Jackson 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 Jemail M. Jackson maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent

Order, Jackson may apply to renew his license and the Director shall the consider the renewal application in accordance with Chapters 374, 375, and 385, and shall not refuse to renew Jackson's license based solely on Jackson's failure to disclose the judgment withheld or deferred—that is, the suspended imposition of sentence—upon his June 2, 2006 plea of guilty to the Class B Felony of Robbery in the Second Degree.

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 26th DAY OF JUNE, 2014.



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 Jemail M. Jackson may have a right to a hearing, but that Jemail M. Jackson has waived the hearing and consented to the issuance of this Consent Order.



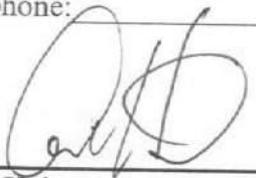
Jemail M. Jackson
428 Pearl Creek Drive
Wentzville, Missouri 63385
Respondent

6/14/2014
Date

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

Telephone: _____

Date



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6/24/14
Date