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MO. DEPT. OF INSURANCE,
FINANCIAL INSTITUTIONS &
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**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

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

In the Matter of:)
Jason R. Ragadio,) Case No. 201488
Applicant.)

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 Jason R. Ragadio, 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 2013 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. Jason R. Ragadio ("Ragadio") is a Missouri resident with a residential address of record of 503 Hickory Post Drive, Wentzville, Missouri, 63385.

4. On February 26, 2009, Ragadio pleaded guilty in the Circuit Court of St. Charles County to the Class C Felony of Assault in the Second Degree, in violation of § 565.060, RSMo. The court suspended the imposition of sentence and placed Ragadio on five years' probation. On October 1, 2009, the court revoked Ragadio's probation and sentenced him to five years' imprisonment, but suspended execution of the sentence and again placed Ragadio on five years' probation. On September 23, 2010, the court found that Ragadio had again violated his probation, but continued his probation on the condition that he serve 45 days' shock incarceration. On November 10, 2011, the court revoked Ragadio's probation and ordered that Ragadio be imprisoned for five years. Ragadio was released from prison on April 25, 2013, and remains on probation. Ragadio's probation is scheduled to terminate on March 26, 2016, but may be completed sooner with credit for compliance.²

5. On October 21, 2009, Ragadio pleaded guilty in the Circuit Court of St. Charles County to the Class A Misdemeanor of Domestic Assault in the Third Degree, in violation of § 565.074, RSMo. The court sentenced Ragadio to 60 days' confinement in county jail, but suspended execution of the sentence and placed Ragadio on two years' probation. On October 21, 2010, the court terminated Ragadio's probation and ordered him to serve 45 days' confinement, concurrent with his confinement in Case No. 0711-CR06138-01, with credit for time served.³

² *State of Missouri v. Jason Ryan Ragadio*, St. Charles Co. Cir. Ct., No. 0711-CR06138-01.

³ *State of Missouri v. Jason Ryan Ragadio*, St. Charles Co. Cir. Ct., No. 0911-CR04383.

6. On June 17, 2013, the Department received Ragadio's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

7. By signing the Application, Ragadio attested that "all of the information submitted in this application and attachments is true and complete."

8. 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 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 judgement[.]

9. Ragadio marked "Yes" to Question No. 1. With his Application, Ragadio included uncertified court documents from Case No. 0711-CR06138-01. Ragadio also included a written statement briefly describing the circumstances surrounding his conviction for the Class C Felony of Assault in the Second Degree.

10. In his written statement, Ragadio explained that he was walking with two friends to one of the friends' apartment when a neighbor accosted one of his friends and an argument

ensued. According to Ragadio, he and his friends attempted to enter the apartment to avoid further confrontation, but before they could enter, the neighbor attacked one of Ragadio's friends and then "swung at" Ragadio. Ragadio further described the altercation as follows, verbatim:

I backed up and he missed he cocked back again and before he could swing I hit him once in the eye. When I hit him he wrapped his arms around my waist and tried to tackle me. It took both of my friends to pull him off of me.

11. Ragadio explained that he and his friends soon left the apartment, chased by the neighbor, and drove away and called the police. The police asked the three to return, and all three were arrested and eventually charged with Assault in the Second Degree.

12. Ragadio further explained, in part, verbatim:

I still think what I did was wrong but I did it to protect my friend and myself. I am not a bad person I don't steal, sell drugs or hurt people. I work hard and I try to do what I can to help the ones I care about. I made the wrong choice in a split second and it has cost me and will continue to do so for the rest of my life ... I am trying to put my life back together that mistake has cost me so much.

13. Ragadio did not disclose or explain in his Application his conviction for Domestic Assault in the Third Degree in Case No. 0911-CR04383.

14. In response to an email inquiry from a Consumer Affairs Division investigator, on January 8, 2014, Ragadio sent an emailed explanation of his failure to disclose his conviction for Domestic Assault in the Third Degree in Case No. 0911-CR04383, stating verbatim, in relevant part:

I would like to apologize for not putting my misdemeanor charges on my license application. I had misinterpreted the question. I provided my felony conviction information. I did not know you had to provide all convictions.

15. Ragadio acknowledges that the information he submitted in his Application and attachments was not complete, in that it did not include any disclosure of his conviction of the Class A Misdemeanor of Domestic Assault in the Third Degree in *State of Missouri v. Jason*

Ryan Ragadio, St. Charles Co. Cir. Ct., No. 0911-CR04383. Ragadio acknowledges that a complete response to Background Question No. 1 of the Application called for Ragadio to provide a written statement explaining the circumstances of his conviction of the Class A Misdemeanor of Domestic Assault in the Third Degree, and to attach a copy of the charging document in that conviction and a copy of the official document demonstrating the resolution of the charges or the final judgment involved in that conviction.

16. Ragadio acknowledges that his failure to provide such disclosures rendered false his attestation that "all of the information submitted in this application and attachments is true and complete."

17. Ragadio acknowledges and understands that under § 385.209.1(3), the Director may refuse to issue an MVESC producer license to Ragadio because Ragadio attempted to obtain an MVESC producer license through misrepresentation, in that Ragadio failed to disclose his conviction for the Class A Misdemeanor of Domestic Assault in the Third Degree in *State of Missouri v. Jason Ryan Ragadio*, St. Charles Co. Cir. Ct., No. 0911-CR04383 and in that Ragadio falsely attested that "all of the information submitted in this application and attachments is true and complete."

18. Ragadio acknowledges and understands that under § 385.209.1(5), the Director may refuse to issue an MVESC producer license to Ragadio because Ragadio has been convicted of a felony: the Class C Felony of Assault in the Second Degree in *State of Missouri v. Jason Ryan Ragadio*, St. Charles Co. Cir. Ct., No. 0711-CR06138-01.

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

20. 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, whose order after such hearing, if any, shall be subject to review 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, Ragadio 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 Ragadio an individual MVESC producer license.

21. Ragadio 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.

22. Ragadio acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Ragadio 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.

23. 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

24. The facts admitted by Ragadio may be grounds to refuse his Missouri MVESC producer license application pursuant to § 385.209.1(3) and (5).

25. Ragadio's false attestation that "all of the information submitted in this application and attachments is true and complete" violated § 374.210.1 and subjects Ragadio to enforcement action by the Director under §§ 374.046 and 374.280.

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

27. 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.

28. Any violation of this Consent Order will constitute a violation of an order of the Director and therefore will constitute a ground for discipline to Ragadio's MVESC producer license under § 385.209.1(2).

ORDER

IT IS ORDERED that the Department will issue a motor vehicle extended service contract producer license to Jason R. Ragadio under the conditions set forth herein.

IT IS ORDERED that Jason R. Ragadio shall sell, offer, solicit and negotiate motor vehicle extended service contracts solely over the telephone or through other telecommunication, and not through in-person contact with consumers. Any sale, offer, solicitation or negotiation of a motor vehicle extended service contract by Ragadio through in-person contact with a consumer shall be a violation of this Consent Order and grounds for discipline to Ragadio's motor vehicle extended service contract producer license. In the event that Ragadio does sell, offer, solicit or

negotiate a motor vehicle extended service contract through in-person contact with a consumer, Ragadio shall report such incident to the Consumer Affairs Division within five business days.

IT IS ORDERED that Jason R. Ragadio 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. Ragadio 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 Ragadio receives a complaint directly from a consumer or any other person outside the Department, then, in addition to responding to the complaining person within five business days, Ragadio shall provide the Department with copies of the complaint and his response to the complaining person within five business days of receiving the complaint.

IT IS ORDERED that Jason R. Ragadio shall report to the Consumer Affairs Division any and all of the following incidents involving Ragadio: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Ragadio shall report all such incidents to the Consumer Affairs Division within five business days of their occurrence.

IT IS ORDERED that if the St. Charles County Circuit Court revokes or terminates the probation associated with *State of Missouri v. Jason Ryan Ragadio*, St. Charles Co. Cir. Ct., No. 0711-CR06138-01, except if the court terminates the probation due to Ragadio's successful completion of the probation term, Ragadio will voluntarily surrender his license to the Department within five business days of the date the court enters its order or judgment revoking the probation.

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,

Jason R. Ragadio will voluntarily surrender his license to the Department within five business days of Ragadio'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.

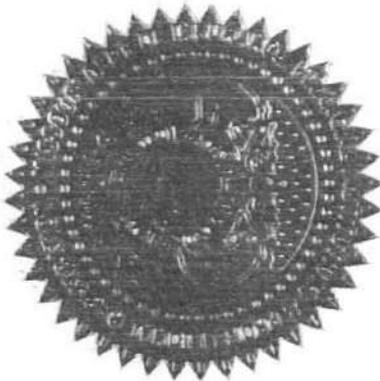
IT IS ORDERED that Jason R. Ragadio shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Ragadio in another state, or by another governmental authority in this state, within five business days after Ragadio receives notification of the initiation of such administrative action. "Administrative action" shall include not only actions brought before an administrative agency, including its director or the equivalent, or before an administrative tribunal, but also civil court actions initiated by state or federal authorities, and also any consent agreement with a state or federal authority resolving any allegation or dispute that could otherwise be brought before an administrative agency, its director or the equivalent, a tribunal, or in civil court by that state or federal authority.

IT IS ORDERED that Jason R. Ragadio 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, in lieu of any enforcement action under §§ 374.046 or 374.280 based on Ragadio's violation of § 374.210.1, and after being afforded the opportunity to consult legal counsel, Jason R. Ragadio will surrender and forfeit the sum of two hundred fifty dollars (\$250), such sum to be paid into the State School Moneys Fund pursuant to Sections 374.046 and 374.280, RSMo. Ragadio shall submit this sum to the Department by cashier's check or money order made payable to the State School Moneys Fund when he submits his executed copy of this Consent Order to the Director for the Director's signature.

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 ^{15TH} DAY OF MAY, 2014.



A handwritten signature in black ink, appearing to read 'John M. Huff', written over a horizontal line.

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 Jason R. Ragadio may have a right to a hearing, but that Jason R. Ragadio has waived the hearing and consented to the issuance of this Consent Order.



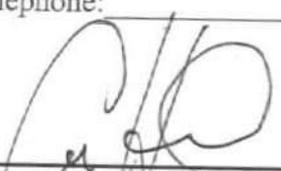
Jason R. Ragadio
503 Hickory Post Drive
Wentzville, Missouri 63385
Respondent

Date 4/23/14

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

Telephone: _____

Date



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Date 4/28/14