DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
KELLY LYNN TINDALL,	)	**Case No. 160129053C**
	)	
Applicant.	)	

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 John M. A. Conrace, and Kelly Lynn Tindall, 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 and 375, RSMo,[1] include the supervision, regulation, and discipline of insurance producers.

[1] All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 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 and companies under the insurance laws of this state and has been authorized by the Director to investigate and initiate actions before the Director to enforce the insurance laws of this state, including insurance producer license application refusals.

3. On September 4, 2009, Kelly Lynn Tindall ("Tindall") pled guilty to and was convicted of Driving While Intoxicated – Alcohol – Persistent Offender, a Class D Felony, in violation of § 577.010.[2] Tindall was sentenced to three (3) years' incarceration, but the court suspended the execution of sentence and ordered Tindall to serve thirty (30) days' house arrest and complete five (5) years' supervised probation. *State v. Kelly L. Tindall*, St. Charles. Co. Cir. Ct., Case No. 0911-CR00611-01.

4. On January 27, 2011, the court revoked Tindall's probation and sentenced her to three (3) years' incarceration. The court suspended the execution of sentence and ordered Tindall to complete a 120 day institutional treatment program and five (5) years' supervised probation. Tindall was released from probation on August 1, 2014. *Id.*

5. On November 27, 2015, the Department received Tindall's electronic application for a resident insurance producer license ("Application").

6. Tindall acknowledges and understands that pursuant to § 375.141.1(6), the Director may refuse to issue a resident insurance producer license to Tindall because Tindall has been convicted of a felony.

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[2] All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri under which the court rendered judgment.

7. Tindall acknowledges and understands that she has the right to consult counsel at her own expense.

8. Tindall 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.

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

10. 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

11. The facts admitted herein by Tindall are grounds to refuse her resident insurance producer license application pursuant to § 375.141.1(6).

12. 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:
>
> * * *
>
> (6) Having been convicted of a felony or crime involving moral turpitude[.]

13. The Director may impose orders in the public interest under § 374.046.

14. 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 resident insurance producer license to Kelly Lynn Tindall subject to the conditions set forth herein and the following special conditions:

1. Kelly Lynn Tindall shall report to the Consumer Affairs Division any violation of or failure to comply with Missouri insurance regulations and Missouri insurance laws, including those set forth in Chapters 374 or 375, within five (5) business days of such violation or failure to comply.

2. Kelly Lynn Tindall shall respond to all inquiries from the Consumer Affairs Division in accordance with 20 CSR 100-4.100(2)(A).

3. If a consumer complaint is communicated directly to Kelly Lynn Tindall, Tindall shall send the Department a copy of the complaint and a copy of Tindall's response to the consumer within five (5) business days of receipt of the consumer complaint.

4. Kelly Lynn Tindall shall report to the Consumer Affairs Division any and all of the following incidents involving Tindall: guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Tindall shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

5. Kelly Lynn Tindall shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Tindall in another jurisdiction or by another state or federal governmental agency in this state within five (5) business days after Tindall receives notification of the initiation of such administrative action.

6. The special conditions listed in paragraphs 1 through 5 will expire upon the earlier of the expiration or renewal of Kelly Lynn Tindall's two (2) year resident insurance producer license or the refusal or revocation of Tindall's resident insurance producer license.

IT IS FURTHER ORDERED that, for two (2) years subsequent to the date of this executed Consent Order, Kelly Lynn Tindall will voluntarily surrender her resident insurance producer license to the Department within five (5) business days of Tindall's entry of a guilty plea, entry of a nolo contendere plea, being found guilty, or being convicted of a felony or crime of moral turpitude, regardless of whether the sentence is suspended or executed.

IT IS FURTHER ORDERED that, if Kelly Lynn Tindall maintains her resident insurance producer license beyond the initial term and complies with the terms of this Consent Order, Tindall may apply to renew her resident insurance producer license and the Director shall consider her renewal application in accordance with Chapters 374 and 375 without regard to Tindall's prior felony or the underlying conduct in *State v. Kelly L. Tindall*, St. Charles Co. Cir. Ct., Case No. 0911-CR00611-01.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, and without limitation, as authorized by Chapters 374 and 375 including remedies for violation of, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 8th DAY OF SEPTEMBER, 2016.

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 Kelly Lynn Tindall may have a right to a hearing, but that Kelly Lynn Tindall has waived the hearing and consented to the issuance of this Consent Order.

Kelly Lynn Tindall
3452 Missouri Ave.
St. Louis, Missouri 63118
Applicant

8-31-16
Date

Counsel for Applicant
Name: _____
Missouri Bar No. _____
Address: _____
_____
Telephone: _____
Facsimile: _____
Email: _____

Date

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9/7/2016
Date