



**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

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

In the Matter of:

Andre Lamont Love, Jr.,

Applicant.

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Case No. 12-0411373C

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 Andre Lamont Love, Jr., 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 December 9, 2009, Andre Lamont Love, Jr. ("Love") pleaded guilty to one count of the Class D Felony of Driving While Intoxicated, in violation of §§ 558.011, 560.011, and 577.023, RSMo, and one count of the Class D Felony of driving while revoked, in violation of § 302.321, RSMo. *State of Missouri v. Andre Lamont Love*, St. Charles Co. Cir. Ct. No. 0811-CR06156-01.

4. On December 9, 2009, the Court sentenced Love to three years' confinement on each count with the sentences to run consecutively. The court suspended the execution of sentence and placed Love on probation for five years. *State v. Love*, No. 0811-CR06156-01.

5. Love's probation is scheduled to be completed on or about December 9, 2012.

6. Love acknowledges and understands that should he fail to complete the terms of that probation, under § 385.209.1(5), the Director may refuse or discipline Love's motor vehicle extended service contract producer license. *State v. Love*, No. 0811-CR06156-01.

7. On or about December 29, 2011, Love submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

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

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

10. 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, Love 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 Love's license.

11. Love 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.

12. 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

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

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

15. 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 Andre Lamont Love, Jr. subject to the conditions set forth herein.

IT IS ORDERED that Andre Lamont Love, Jr. 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. Love 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 Love by the Department, Love shall send a copy of the complaint and Love's response to the consumer within five business days of receipt.

IT IS ORDERED that Andre Lamont Love, Jr. shall maintain full compliance with all court orders and other requirements relating to *State of Missouri v. Andre Lamont Love*, St. Charles Co. Cir. Ct. No. 0811-CR06156-01. Love shall sign and submit a Statement of Compliance to the Director within 30 days of his completion of probation. Should Love fail to successfully complete probation, Love shall notify the Consumer Affairs Division within 30 days of the dismissal from or revocation of probation and notify the Consumer Affairs Division of the consequences of such failure, dismissal or revocation.

IT IS ORDERED that Andre Lamont Love, Jr. shall execute and submit any necessary documents to provide the Department access to Love's probation and court records, including access to any chemical test results.

IT IS ORDERED that Andre Lamont Love, Jr. shall report to the Consumer Affairs Division any and all of the following incidents involving Love: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction

concerning a felony or misdemeanor. Love 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, Andre Lamont Love, Jr. will voluntarily surrender his license to the Department within 30 days of Love'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 for five years subsequent to the date of this executed Consent Order, Andre Lamont Love, Jr. will voluntarily surrender his license to the Department within 30 days of Love's failure to successfully complete probation in *State of Missouri v. Andre Lamont Love*, St. Charles Co. Cir. Ct. No. 0811-CR06156-01.

IT IS ORDERED that Andre Lamont Love, Jr. shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Love in another jurisdiction or by another governmental agency in this state within five business days after Love receives notification of the initiation of such administrative action.

IT IS ORDERED that Andre Lamont Love, Jr. 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 Andre Lamont Love, Jr. maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Love 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 Love's prior felonies or the underlying conduct in *State of Missouri v. Andre Lamont Love*, St. Charles Co. Cir. Ct. No. 0811-CR06156-01.

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 5TH DAY OF JULY, 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 Andre Lamont Love, Jr. may have a right to a hearing, but that Andre Lamont Love, Jr. has waived the hearing and consented to the issuance of this Consent Order.

Andre Love
Andre Lamont Love, Jr.
908 Lands End Circle
St. Charles, Missouri 63304
Respondent

6-28-2012
Date

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

Telephone: _____

Date

CH Kerr
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

7/3/12
Date

Missouri Department of Insurance, Financial
Institutions and Professional Registration
Attn: Legal Section
301 West High Street, Room 530
Jefferson City, Missouri 65101

RE: Statement of Compliance
State of Missouri v. Andre Lamont Love, St. Charles Co. Cir. Ct.
No. 0811-CR06156-01
DIFP Case No. 12-0411373C

I, Andre Lamont Love, Jr., hereby truthfully state under penalty of perjury, that I successfully completed the probation associated with *State of Missouri v. Andre Lamont Love, St. Charles Co. Cir. Ct. No. 0811-CR06156-01*, on _____, 20_____.

Signed: _____
Andre Lamont Love, Jr. Date

In witness whereof I have hereunto subscribed my name and affixed my official seal this
____ day of _____, 20_____.

Notary

My commission expires: _____