DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
MICHAEL PATRICK DUBBS,	)	**Case No. 151223641C**
	)	
Respondent.	)	

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 Shelly Krueger, and Michael Patrick Dubbs, 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.

[1] All civil statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

2. The Department's Consumer Affairs Division ("Division") has the duty of conducting investigations into the unlawful acts of motor vehicle extended service contract producers under Chapters 374, 375, and 385, and is authorized by the Director to investigate and recommend enforcement action, including the discipline of motor vehicle extended service contract producer licenses.

3. The Department issued Michael Patrick Dubbs ("Dubbs") a motor vehicle extended service contract producer license (License No. 0147905) on January 12, 2012, which he subsequently renewed and is set to expire on December 31, 2017.

4. On or about December 12, 2013, the Department received Dubbs' Application for Motor Vehicle Extended Service Contract Producer License ("2013 Application").

5. In the section of the 2013 Application headed "Background Information," Question No. 1 asks, in part: "Have you ever been convicted of a crime, had a judgment withheld or deferred, ... or are you currently charged with committing a crime[?]"

6. Dubbs answered "No" to Background Question No. 1 on the 2013 Application.

7. A Special Investigator for the Division discovered that on November 14, 2013, Dubbs was served with a summons to appear in court regarding a Class D Felony charge of DWI – Alcohol – Persistent Offender, in violation of § 577.010 RSMo,[2] that was filed in St. Charles County Circuit Court. *State v. Michael Patrick Dubbs*, St. Charles Co. Cir. Ct., Case No. 1311-CR06624. The summons ordered Dubbs to appear in court on December 17, 2013. *Id.*

---

[2] All references to criminal statutes are to the Missouri Revised Statutes in effect at the time the court issued Dubbs' summons to appear in Case No. 1311-CR006624.

8. On January 2, 2014, a Special Investigator for the Division sent Dubbs an inquiry letter requesting an explanation of the circumstances surrounding Dubbs' pending felony charge and the reason that Dubbs did not disclose the felony charge on his 2013 Application.

9. On January 9, 2014, Dubbs responded to the Special Investigator's inquiry letter by providing a copy of the Complaint filed in case number 1311-CR006624 and a letter that stated the following, in relevant part:

> I seen [sic] that DWI was excluded and marked No instead of Yes. However, after further review it reads misdemeanor and not felony, so I should have marked yes.
>
> I do have a pending DWI charge and an upcoming court date…I did not intentionally mark No on my application. I misread the question.

10. Dubbs' motor vehicle extended service contract producer license was issued effective January 1, 2014.

11. On December 10, 2015, the Department received Dubbs' Application for Motor Vehicle Extended Service Contract Producer License ("2015 Application").

12. In the section of the 2015 Application headed "Background Information," Question No. 1 asks, in part: "Have you ever been convicted of a crime, had a judgment withheld or deferred, … or are you currently charged with committing a crime, which has not been previously reported to our insurance department?"

13. Dubbs answered "Yes" to Background Question No. 1 and provided documentation which evidences that:

a. On or about January 21, 2014, Dubbs pled guilty to DWI – Alcohol – Persistent Offender, a Class D Felony, in violation of § 577.010. *State v.*

Michael Patrick Dubbs, St. Charles Co. Cir. Ct., Case No. 1311-CR06624-01. The court sentenced Dubbs to three (3) years' confinement in the Missouri Department of Corrections. *Id.* The court suspended the execution of Dubbs' sentence and placed Dubbs on probation with special conditions for five (5) years. *Id.*

14. Dubbs' current probation is scheduled to be completed on January 21, 2019.

15. Dubbs acknowledges and understands that under § 385.209.1(5), the Director may discipline his motor vehicle extended service contract producer license because Dubbs has been convicted of a felony.

16. Dubbs further acknowledges and understands that should he fail to complete or fail to comply with the terms of his probation in case number 1311-CR06624-01, the Director may discipline or refuse to issue Dubbs a motor vehicle extended service contract producer license pursuant to § 385.209.1(5). *State v. Michael Patrick Dubbs*, St. Charles Co. Cir. Ct., Case No. 1311-CR06624-01.

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

18. On May 31, 2016, counsel for the Division provided a written description of the specific conduct for which discipline was sought and a citation to the law and rules allegedly violated, together with copies of any documents upon which it based the allegations, and the Division's settlement offer, namely, this Consent Order, in accordance with § 621.045.4(1).

19. Dubbs has been advised that he may, either at the time the Consent Order is signed by all parties, or within fifteen (15) days thereafter, submit the Consent Order to the

Administrative Hearing Commission for a determination that the facts agreed to by the parties to the Consent Order constitute grounds for discipline of Dubbs' motor vehicle extended service contract producer license.

20. Except as provided in Paragraph 19 above, Dubbs 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.

21. Dubbs acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Dubbs further acknowledges and understands that this administrative action should be disclosed on future applications and that it is his responsibility to comply with the reporting requirements of each state in which he may be licensed.

22. 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

23. Dubbs' felony conviction is a ground to discipline his Missouri motor vehicle extended service producer license application pursuant to § 385.209.1(5).

24. Section 382.209 provides, in relevant part:

> 1. The director may suspend, revoke, refuse to issue, or refuse to renew a registration or license under sections 385.200 to 385.220 for any of the following causes, if the applicant or licensee or the applicant's or licensee's subsidiaries or affiliated entities acting on behalf of the applicant or licensee in connection with the applicant's or licensee's motor vehicle extended service contract program has:
>
> * * *
>
> (5) Been convicted of a felony[.]

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

26. 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 Michael Patrick Dubbs shall maintain his currently valid motor vehicle extended service contract producer license subject to the following special conditions:

1. Michael Patrick Dubbs shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or a consumer within five (5) business days of receipt. If Dubbs receives a complaint directly from a consumer, whether written or oral, Dubbs shall report the complaint in writing to the Consumer Affairs Division within five (5) business days of receipt. Dubbs shall include in such report: 1) a copy of the complaint, if written, or a brief, accurate description of the complaint, if oral; 2) a detailed explanation of the circumstances surrounding the complaint;

and 3) any measures taken or planned to address the conduct described in the complaint.

2. Michael Patrick Dubbs shall maintain full compliance with all court orders and other requirements related to his felony conviction in *State v. Michael Patrick Dubbs,* St. Charles Co. Cir. Ct., Case No. 1311-CR06624-01.

3. Michael Patrick Dubbs shall sign and submit a Statement of Compliance attached hereto as Exhibit A, to the Director within thirty (30) days of his completion of probation. Should Dubbs fail to complete probation, Dubbs shall notify the Consumer Affairs Division within five (5) business days of the dismissal from, or revocation of, probation and notify the Consumer Affairs Division of the consequences of such failure, dismissal, or revocation.

4. Michael Patrick Dubbs shall execute and submit any necessary documents to provide the Department access to Dubbs' probation and court records, including access to any chemical test results.

5. Michael Patrick Dubbs shall report to the Consumer Affairs Division any and all of the following incidents involving Dubbs: extension of probation, any change in the terms of probation, probation revocation, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Dubbs shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

6. Michael Patrick Dubbs shall report to the Consumer Affairs Division any administrative action taken against Dubbs in another jurisdiction or by another

governmental agency in this state within five (5) business days after he receives notification of the initiation of such administrative action.

7. Michael Patrick Dubbs shall report to the Consumer Affairs Division any violation of or failure to comply with the laws set forth in Chapters 374, 375, and 385 RSMo within five (5) business days of such violation or failure to comply.

8. The special conditions listed in paragraphs 1 through 7 immediately above will expire upon the earlier of: 1) the expiration of Michael Patrick Dubbs' motor vehicle extended service contract producer license; 2) the refusal or revocation of such license; or 3) five (5) years subsequent to the date of issuance of this Consent Order.

IT IS ORDERED that for five (5) years subsequent to the date of issuance of this executed Consent Order, Michael Patrick Dubbs will voluntarily surrender his license to the Department within thirty (30) days of revocation of the probation associated with *State v. Michael Patrick Dubbs*, St. Charles Co. Cir. Ct., Case No. 1311-CR06624-01.

IT IS ORDERED that for five (5) years subsequent to the date of issuance of this Consent Order, Michael Patrick Dubbs will voluntarily surrender his license to the Department within five (5) business days of Dubbs' 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 if Michael Patrick Dubbs applies to renew his motor vehicle extended service contract producer license beyond the current term, the Director shall determine Dubbs' compliance with the terms of this Consent Order and consider Dubbs'

application in accordance with Chapters 374, 375, and 385 RSMo, but without regard to Dubbs' conduct related to his felony conviction in *State v. Michael Patrick Dubbs*, St. Charles Co. Cir. Ct., Case No. 1311-CR06624-01.

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, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 30th DAY OF JUNE, 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 Michael Patrick Dubbs may have a right to a hearing, but that Michael Patrick Dubbs has waived the hearing and consented to the issuance of this Consent Order.

Michael Patrick Dubbs
3825 Indian Ridge Lane
Defiance, Missouri 63341

06/02/2016
Date

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

Date

Shelly Krueger
Counsel for Consumer Affairs Division
Missouri Bar No. 67752
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

6/9/2016
Date

Exhibit A

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 v. Michael Patrick Dubbs, St. Charles Cir. Ct., Case No. 1311-CR06624-01

I, Michael Patrick Dubbs, hereby truthfully state under penalty of perjury, that I successfully completed the probation associated with *State v. Michael Patrick Dubbs*, St. Charles Cir. Ct., Case No. 1311-CR06624-01 on _____, 20____.

Signed: _____ _____
Michael Patrick Dubbs Date

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

_____
Notary

My commission expires: _____