# DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

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| **In the Matter of:** | ) | |
| | ) | |
| **SAMUEL LAFAYETTE MORRIS II,** | ) | **Case No. 120406337C** |
| | ) | |
| **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 Tammy S. Kearns, and Samuel Lafayette Morris II, 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 statutory references are to the 2011 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 acts of motor vehicle extended service contract producers 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 or about November 1, 2002, Samuel Lafayette Morris II ("Morris") pleaded guilty to Stealing, a Class C Felony, in violation of § 570.030. The court sentenced Morris to seven (7) years confinement, but suspended the execution of sentence, placed Morris on supervised probation for five (5) years, and also ordered Morris to complete a prison tour, obtain his General Education Degree, and complete parenting classes. *State of Missouri v. Samuel Lafayette Morris II,* St. Charles Co. Cir. Ct., Case No. 02CR126746-01.

4. The Department received Morris's Application for motor vehicle extended service contract producer license ("Application") on or about December 2, 2011.

5. Background Question No. 1 of the Application asks: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"

6. Morris marked "Yes" to Question No. 1.

7. Morris also attached a letter explaining the circumstances that led to the felony conviction as well as a print-out from the Missouri Court's website showing the disposition of the case and the successful completion dates of his probation and ordered stipulations.

8. The Department also received a letter from the victims in Case Number 02CR126746-01, urging the Department to issue Morris his producer license so that he can maintain his job and care for his son.

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

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

11. 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, Morris 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 Morris's license.

12. Morris 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.

13. 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

14. The actions admitted by Morris are grounds to refuse his Missouri motor vehicle extended service producer license application pursuant to § 385.209.1(5).

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

16. 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 Samuel Lafayette Morris II subject to the conditions set forth herein.

IT IS ORDERED that Samuel Lafayette Morris II 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. Morris shall report in writing all consumer complaints, both written and oral, to the Consumer Affairs Division of the Department, within five (5) business days of receipt. If a complaint was not communicated to Morris by the Department, Morris shall send a copy of the complaint and Morris's response to the consumer within five (5) business days of receipt.

IT IS ORDERED that Samuel Lafayette Morris II shall report to the Consumer Affairs Division any and all of the following incidents involving Morris: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or misdemeanor. Morris shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

IT IS ORDERED that for five (5) years subsequent to the date of this executed Consent Order, Samuel Lafayette Morris II will voluntarily surrender his license to the Department within thirty (30) days of Morris'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 Samuel Lafayette Morris II shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Morris in another jurisdiction or by another governmental agency in this state within five (5) business days after Morris receives notification of the initiation of such administrative action.

IT IS ORDERED that Samuel Lafayette Morris II 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, RSMo within five (5) business days of such violation or failure to comply.

IT IS ORDERED that if Samuel Lafayette Morris II maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Morris 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 Morris's prior felony in *State of Missouri v. Samuel Lafayette Morris II,* St. Charles Co. Cir. Ct., Case No. 02CR126746-01.

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 1ST DAY OF MAY, 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 Samuel Lafayette Morris II may have a right to a hearing, but that Samuel Lafayette Morris II has waived the hearing and consented to the issuance of this Consent Order.

Samuel Lafayette Morris II
1460 Hawks Nest Drive, Unit H
St. Charles, MO 63303
Respondent

4/23/12
Date

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

Date

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Counsel for Consumer Affairs Division
Missouri Bar No. 62992
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4/26/12
Date