DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
JEFFERSON D. PEABODY,	)	**Case No. 120305264C**
	)	
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 Tamara W. Kopp, and Jefferson D. Peabody, 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 May 1, 2005, Jefferson D. Peabody ("Peabody") possessed a controlled substance in violation of § 195.202.

4. On or about August 22, 2005, Peabody was charged by information with the C Felony of Possession of a Controlled Substance in Lincoln County Circuit Court.

5. On or about December 6, 2005, Peabody pleaded guilty to a C Felony of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana. *State v. Jefferson D. Peabody,* Lincoln County Circuit Court, Case No. 05L6-CR00694-01.

6. On or about December 6, 2005, the Court suspended the imposition of sentence and placed Peabody on probation for five years.

7. On October 16, 2006, the Court revoked Peabody's probation, suspended the execution of a three year sentence, and again placed Peabody on probation for five years.

8. On July 7, 2007, the Court ordered Peabody to complete 120 days shock incarceration in the Missouri Department of Corrections, then released Peabody back to probation on November 20, 2007.

9. On September 8, 2009, the Court revoked Peabody's probation and executed the suspended sentence of three years.

10. Peabody was released from incarceration on parole on or about March 1, 2010, and released from parole supervision on February 17, 2012. *State v. Jefferson D. Peabody,* Lincoln County Circuit Court, Case No. 05L6-CR00694-01.

11. On or about December 29, 2012, Peabody submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

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

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

14. 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, Peabody 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 Peabody's license.

15. Peabody 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.

16. 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

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

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

19. 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.

(remainder of page blank).

ORDER

IT IS ORDERED that the Department will issue a motor vehicle extended service contract producer license to Jefferson D. Peabody subject to the conditions set forth herein.

IT IS ORDERED that Jefferson D. Peabody 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. Peabody 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 a complaint was not communicated to Peabody by the Department, Peabody shall send a copy of the complaint and Peabody's response to the consumer within five business days of receipt.

IT IS ORDERED that Jefferson D. Peabody shall report to the Consumer Affairs Division any and all of the following incidents involving Peabody: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or misdemeanor. Peabody 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, Jefferson D. Peabody will voluntarily surrender his license to the Department within 30 days of Peabody'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 Jefferson D. Peabody shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Peabody in another jurisdiction or by another governmental agency in this state within five business days after Peabody receives notification of the initiation of such administrative action.

IT IS ORDERED that Jefferson D. Peabody 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 business days of such violation or failure to comply.

IT IS ORDERED that if Jefferson D. Peabody maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Peabody 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 Peabody's prior felony in *State v. Jefferson D. Peabody,* Lincoln County Circuit Court, Case No. 05L6-CR00694-01.

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 6TH DAY OF APRIL, 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 Jefferson D. Peabody may have a right to a hearing, but that Jefferson D. Peabody has waived the hearing and consented to the issuance of this Consent Order.

Jefferson D. Peabody
902 Mohican Drive
Warrenton, Missouri 63383
Respondent

03-27-2012
Date

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

Date

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4-3-12
Date