DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In RE:	)	
	)	
Alan Y. Roberson,	)	Case No. 110531530C
	)	
Respondent.	)	

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration, takes up the above-referenced matter for consideration and disposition. The Consumer Affairs Division, through counsel, Tamara W. Kopp, and Respondent Alan Y. Roberson 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 ("Department") whose duties, pursuant to Chapters 374, 375, and 385 RSMo,[1] include supervision, regulation and discipline of insurance producers and business entity producers.

[1] All statutory references are to the 2010 Supplement to the Revised Statutes of Missouri 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 initiate actions before the Director to enforce the insurance laws of this state.

3. On May 6, 1993, Roberson was charged with Possession of a Controlled Substance, a Class C felony, in violation of § 195.202, RSMo (Supp. 1992). On September 27, 1993, Roberson pleaded guilty and was sentenced to three years incarceration, but such sentence was suspended, and the court placed him on supervised probation. *State v. Alan Y. Roberson*, Boone County Circuit Court, Case No. 13R019337319-01.

4. Roberson's probation was revoked in February 1994 when he was found in possession of narcotics and firearms. On February 23, 1994, Roberson was charged with committing the offenses of Distributing or Delivering Not More Than 5 Grams Marijuana, a Class C felony in violation of § 195.211 RSMo (Supp. 1993), and three counts of Unlawful Use Of A Weapon, a Class D felony in violation of § 571.030 RSMo (Supp. 1993). *State v. Alan Y. Roberson*, Boone County Circuit Court, Case No. 13R019340760-01. The prosecutor ultimately dismissed the drug charge and two of the three weapons charges when Roberson pleaded guilty to one count of Unlawful Use Of A Weapon. The court sentenced Roberson to five years incarceration to be served concurrently with the original three year sentence in

Case No. 13R019337319-01. Roberson served eleven months in prison and the remainder on parole. Roberson was discharged from parole on December 14, 1998.

5. On or about March 17, 2011, Roberson applied for an insurance producer license by submitting a Uniform Application for Individual Insurance Producer License ("Application").

6. On the Application, Background Question # 1 inquires:

> Have you ever been convicted of a crime, whether or not adjudication was withheld or deferred, or are you currently charged with committing a crime?
> "Crime" includes a misdemeanor, felony . . . "Convicted" includes, but is not limited to having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contender, or having been given probation, a suspended sentence or a fine.

7. Roberson indicated "Yes" to Background Question # 1, and Roberson disclosed the following:

> Back in the late 1980's [sic] and early 1990's [sic], I struggled with alcohol and drug use. This resulted in some legal trouble in 1993. I was convicted of possession of cocaine and placed on probation. Unfortunately, my legal troubles did not end there. I was the passenger in a car that was pulled over, and when I was patted down the police found marijuana and firearms. Subsequently, I had my probation revoked and went to prison for eleven months, after which I was placed on parole until 1998. I have walked the straight and narrow ever since.
>
> I tell people now that going to prison was the best thing that could have happened to me. It was the wake-up call I needed to get my life on track. I got married in 1999 and became a stepfather to four great kids. My wife and kids have never seen me when I was not clean and sober. God truly performed a miracle in my life.
>
> I have been working at Carroll-Rehma Motors as a salesman since 2000, and now I have the opportunity to advance to the position of business manager, which is why I am applying for an insurance

license. My duties would include arranging car loans and offering credit insurance.

8. Roberson acknowledges and understands that under § 375.141.1(6) the Director may refuse Roberson's insurance producer license because Roberson was convicted of multiple felonies, some of which are crimes of moral turpitude. *See State v. Alan Y. Roberson*, Boone County Circuit Court, Case No. 13R019337319-01; *State v. Alan Y. Roberson*, Boone County Circuit Court, Case No. 13R019340760-01; and *Donovan v. State Bd. of Therapeutic Massage*, Case No. 06-0410 TM (Mo. Admin. Hrg. Comm'n June 18, 2008).

9. Roberson 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. As such, any interested person aggrieved by this Order may request a hearing before the Director or review of this Order in circuit court under § 374.055. Although under the Department's interpretation of the relevant statutes, review of this Order by the Administrative Hearing Commission is not available, Roberson 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 Roberson's license.

11. Except as provided in paragraph 10, above, Roberson stipulates and agrees to waive any 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 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 Roberson are grounds to refuse Roberson's Missouri insurance producer license pursuant to § 375.141.1(6).

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

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 Insurance, Financial Institutions and Professional Registration will issue the insurance producer license of Alan Y. Roberson, subject to the conditions set forth herein.

IT IS ORDERED that Alan Y. Roberson shall report to the Department of Insurance, Financial Institutions and Professional Registration any violation of or failure to comply with the laws set forth in Chapters 374, 375, and 385 RSMo, and the regulations promulgated thereunder, within three business days of such violation or failure to comply.

IT IS ORDERED that Alan Y. Roberson shall report to the Department of Insurance, Financial Institutions and Professional Registration any arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony, misdemeanor or crime of moral turpitude, within five business days of such arrest, citation, plea or finding.

IT IS ORDERED that for five years subsequent to the date of this executed Consent Order, Alan Y. Roberson will voluntarily surrender his license to the Department within 30 days of Roberson's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for a felony or crime of moral turpitude, including drug, alcohol or weapons offenses.

IT IS FURTHER ORDERED that if Alan Y. Roberson violates or otherwise fails to comply with the terms and conditions of this Consent Order, the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374, 375, and 385 RSMo.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 19th DAY OF AUGUST, 2011.

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 Respondent Alan Y. Roberson has a right to a hearing, but that Alan Y. Roberson waived the hearing and consented to the issuance of this Consent Order.

Alan Y Roberson

Alan Y. Roberson
Respondent
133 Kuper Scott Lane
Loose Creek, Missouri 65054

8/18/11
Date

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

Date

Tamara W Kopp

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8-19-11
Date