



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

IN RE:)
)
TERRY LEE BOYDSTON, Jr.,) **Case No. 140815598C**
)
Applicant.)

CONSENT ORDER

JOHN M. HUFF, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Mark J. Rachel, and Terry Lee Boydston, Jr. have reached a settlement in this matter and have agreed 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 and 375, RSMo,¹ include the licensure, supervision, regulation, and discipline of insurance producers in the State of Missouri.

¹ All civil statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 RSMo Supplement, unless otherwise noted.

2. The Consumer Affairs Division of the Department has the duty of conducting investigations into the qualifications of insurance producer license applicants and has been authorized by the Director to initiate actions before the Director to enforce the insurance laws of Missouri, including insurance producer license application refusal and insurance producer license discipline.

3. On July 13, 1990, Applicant Terry Lee Boydston, Jr. (“Boydston”) pled guilty to Possession with Intent to Distribute Five Grams or More of Cocaine Base (a Schedule II Controlled Substance), in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B). *United States v. Terry L. Boydston*, U.S. Dist. Ct. W.D. Mo., Case No. 90-00074-01-CR-W-9. On January 17, 1991, the court convicted Boydston and sentenced him to eighteen months’ incarceration, followed by four years’ supervised probation. *Id.*

4. On January 2, 1996, Boydston pled guilty to Passing a Bad Check Under \$150, a Class A Misdemeanor, in violation of § 570.120, RSMo.² *Missouri v. Terry L. Boydston*, Clay Co. Cir. Ct., Case No. CR195001754. The court convicted Boydston and sentenced him to thirty days’ incarceration, to run concurrent with the sentence in *United States v. Terry L. Boydston*, U.S. Dist. Ct. W.D. Mo., Case No. 90-00074-01-CR-W-9. *Id.*

5. On July 15, 2014, the Department received Boydston’s Uniform Application for Individual Producer License/Registration (“Application”).

6. Boydston disclosed on his Application his conviction in *United States v. Terry L. Boydston*, U.S. Dist. Ct. W.D. Mo., Case No. 90-00074-01-CR-W-9, and

² All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri pursuant to which the judgment was rendered, unless otherwise specified.

provided the Department with court records therefrom.

7. Boydston did not disclose on his Application, or provide the Department with any records related to, his conviction in *Missouri v. Terry L. Boydston*, Clay Co. Cir. Ct., Case No. CR195001754.

8. Boydston acknowledges and understands that pursuant to § 375.141.1(6) the Director may refuse to issue him a non-resident insurance producer license because he has been convicted of a felony.

9. Boydston acknowledges and understands that pursuant to § 375.141.1(1) the Director may refuse to issue him a non-resident insurance producer license because he intentionally provided materially incorrect, misleading, incomplete, or untrue information on his Application by failing to disclose thereby his conviction in *Missouri v. Terry L. Boydston*, Clay Co. Cir. Ct., Case No. CR195001754.

10. Boydston acknowledges and understands that pursuant to § 375.141.1(3) the Director may refuse to issue him a non-resident insurance producer license because he attempted to obtain a license through material misrepresentation or fraud, specifically by failing to disclose on his Application his conviction in *Missouri v. Terry L. Boydston*, Clay Co. Cir. Ct., Case No. CR195001754, in order to conceal from the Director the full extent of his criminal history and thereby increase the likelihood that the Director would approve his Application and issue him a non-resident insurance producer license.

11. Boydston acknowledges and understands that he has the right to consult an attorney at his own expense.

12. Boydston 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.

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

14. 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 representative capacity, to be bound by the terms of this Consent Order.

CONCLUSIONS OF LAW

15. The foregoing facts hereby admitted by Boydston constitute cause for the Director to refuse his Application pursuant to § 375.141.1(1).

16. The foregoing facts hereby admitted by Boydston constitute cause for the Director to refuse his Application pursuant to § 375.141.1(3).

17. The foregoing facts hereby admitted by Boydston constitute cause for the Director to refuse his Application pursuant to § 375.141.1(6).

18. The Director may issue Orders in the public interest pursuant to § 374.046.

19. The terms set forth in this Consent Order are an appropriate disposition of this matter and issuance of this Consent Order is in the public interest.

ORDER

IT IS ORDERED that the Department will issue a non-resident insurance producer license to Terry Lee Boydston, Jr., subject to the conditions set forth herein and the following special conditions:

1. Terry Lee Boydston, Jr. shall report to the Consumer Affairs Division any violation of or failure to comply with Missouri insurance regulations and Missouri insurance laws, including those set forth in Chapters 374 and 375, within five (5) business days of such violation or failure to comply.

2. Terry Lee Boydston, Jr. shall respond to all inquiries from the Consumer Affairs Division in accordance with 20 CSR 100-4.100.

3. If a consumer complaint is communicated directly to Terry Lee Boydston, Jr., he shall send the Consumer Affairs Division a copy of the complaint and a copy of his response to the consumer within five (5) business days of receipt of the consumer complaint.

4. Terry Lee Boydston, Jr. shall report to the Consumer Affairs Division any and all of the following incidents involving him: guilty plea, Alford plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Terry Lee

Boydston, Jr. shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

5. Terry Lee Boydston, Jr. shall report to the Consumer Affairs Division any administrative action taken against him by any other state or federal governmental agency in Missouri or any other jurisdiction within five (5) business days of the final disposition of such administrative action.

6. Terry Lee Boydston, Jr. shall voluntarily surrender his non-resident insurance producer license to the Department within five (5) business days of any of the following incidents involving him: guilty plea, Alford plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor, regardless of whether any associated sentence is suspended or executed.

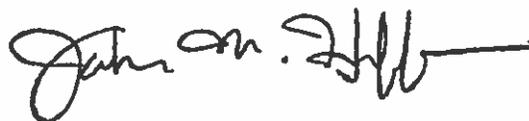
7. The special conditions listed in the preceding six (6) paragraphs will expire upon the earlier of the expiration or renewal of Terry Lee Boydston, Jr.'s two (2) year non-resident insurance producer license, or the refusal to renew or revocation of Terry Lee Boydston, Jr.'s non-resident insurance producer license.

IT IS FURTHER ORDERED that if Terry Lee Boydston, Jr. maintains his non-resident insurance producer license beyond the initial term and complies with the terms of this Consent Order, he may apply to renew his non-resident insurance producer license and the Director shall consider the renewal application in accordance with Chapters 374 and 375, but without regard to the criminal prosecutions, or the associated conduct, in *United States v. Terry L. Boydston*, U.S. Dist. Ct. W.D. Mo., Case No. 90-00074-01-CR-W-9, and *Missouri v. Terry L. Boydston*, Clay Co. Cir. Ct., Case No. CR195001754, and

without regard to Terry Lee Boydston, Jr.'s failure to disclose the latter prosecution on his 2014 non-resident insurance producer license application.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies as determined appropriate by the Director and without limitation, as authorized by Chapters 374 and 375, including remedies for violating or failing to comply with the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 24
DAY OF April, 2015.

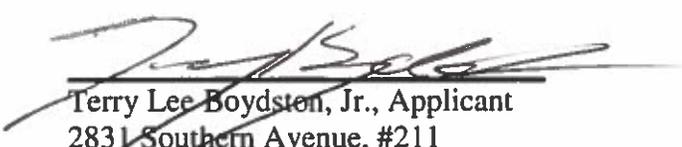


JOHN M. HUFF, Director
Missouri Department of Insurance, Financial
Institutions and Professional Registration



CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Terry Lee Boydston, Jr. has the right to a hearing, but that Terry Lee Boydston, Jr. has waived the hearing and agreed to the issuance of this Consent Order.



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3/20/2015
Date

Counsel for Applicant

Date

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13 April 2015
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