DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
Patrick J. Williams, II,	)	**Case No. 12022128C**
	)	
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 Patrick J. Williams, 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.

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 or about March 18, 2003, Williams operated a motor vehicle while intoxicated in violation of § 577.010, after previously pleading guilty on April 22, 1999, and August 20, 1998, to driving while intoxicated on November 8, 1998, and June 2, 1998, respectively. On November 7, 2003, the Court suspended the execution of a three year sentence and ordered that Williams complete five years probation. On April 15, 2005, Williams confessed to violating probation. The Court continued Williams' probation upon the condition that Williams serve 30 days in jail. On May 22, 2006, Williams again confessed to violating probation. The Court sentenced Williams to the custody of the Missouri Department of Corrections for a period of three years. *State v. Patrick Williams*, St. Charles County Circuit Court, Case No. 03CR128442-01.

4. On or about March 25, 2006, Williams operated a motor vehicle while intoxicated in violation of § 577.010, and operated a motor vehicle on the highway while his driver's license was revoked in violation of § 302.321. On or about November 8, 2006, Williams was charged with the Class C Felony of Driving While Intoxicated, Aggravated Offender and the A Misdemeanor of Operating a Motor Vehicle on Highway While Drivers License Revoked (Suspended for Points) in St. Louis County, Missouri. On or about December 14, 2006, Williams pleaded guilty to a C Felony of Driving While Intoxicated, Aggravated Offender and the A Misdemeanor of Operating a Motor Vehicle on Highway While Driver License Revoked (Suspended for Points). On or about December 14, 2006, the Court sentenced Williams to the custody of the Missouri Department of Corrections for a period of four years for the felony and 1 year for the misdemeanor, to run concurrently with the sentence imposed in Case No. 03CR-

128442-01. Williams completed parole May 22, 2010. *State v. Patrick Joseph Williams,* Jr., St. Louis County Circuit Court, Case No. 2106R-03801-01.

5. On or about December 27, 2011, Williams submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

6. Williams acknowledges and understands that under § 385.209.1(5), the Director may refuse to issue a motor vehicle extended service contract producer license to Williams because Williams has been convicted of a felony. *State v. Patrick Joseph Williams,* Jr., St. Louis County Circuit Court, Case No. 2106R-03801-01.

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

8. 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, Williams 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 Williams' license.

9. Williams 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.

10. 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

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

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

13. 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 Patrick J. Williams, II subject to the conditions set forth herein.

IT IS ORDERED that Patrick J. Williams, II 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. Williams 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 Williams by the Department, Williams shall send the Department a copy of the complaint and Williams' response to the consumer within five business days of receipt.

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

IT IS ORDERED that Patrick J. Williams, 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 within five business days of such violation or failure to comply.

IT IS ORDERED that if Patrick J. Williams, II maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Williams 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 Williams' prior felony in *State v. Patrick Joseph Williams,* Jr., St. Louis County Circuit Court, Case No. 2106R-03801-01.

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 23RD 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 Patrick J. Williams, II may have a right to a hearing, but that Patrick J. Williams, II has waived the hearing and consented to the issuance of this Consent Order.

Patrick J. Williams II

Patrick J. Williams, II
1004 Harvest Home Circle
St. Charles, Missouri 63308
Respondent

4-10-2012
Date

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

Date

Tamara W Kopp

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4-18-12
Date