



**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

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

In the Matter of:

Todd A. Cooper,

Applicant.

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Case No. 12-0521416 C

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 Carolyn H. Kerr, and Todd A. Cooper, 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 15, 2004, Cooper was charged with the Class C Felony of Possession of a Controlled Substance, in violation of § 195.202, RSMo. *State of Missouri v. Todd Alan Cooper*, St. Charles Co. Cir. Ct., No. 04CR125320-01.

4. On or about July 29, 2005, Cooper entered an Alford Plea to the Class C Felony of Possession of a Controlled Substance, in violation of § 195.202, RSMo. The court suspended the imposition of sentence and ordered Cooper placed on probation for five years. *State v. Cooper*, St. Charles Co. Cir. Ct., No. 04CR125320-01.

5. On December 14, 2006, the court revoked Cooper's probation and entered an Order sentencing Cooper to seven years' incarceration, but suspended the execution of sentence. It placed Cooper on supervised probation for five years, ordered him to complete a drug treatment program, and sentenced him to 60 days' shock incarceration with work release beginning January 28, 2007. *State v. Cooper*, St. Charles Co. Cir. Ct., No. 04CR125320-01.

6. On or about December 14, 2011, Cooper was discharged from probation in *State v. Cooper*, St. Charles Co. Cir. Ct., No. 04CR125320-01.

7. On or about May 1, 2005, Cooper was charged with two counts of the Class D Felony of Criminal Nonsupport, in violation of § 568.040, RSMo. *State of Missouri v. Todd A. Cooper*, St. Charles Co. Cir. Ct., No. 0611-CR05699-01.

8. On or about November 26, 2007, Cooper entered a Plea of Guilty to two counts of the Class D Felony of Criminal Nonsupport, in violation of § 568.040, RSMo. The court accepted his plea, suspended the imposition of sentence and ordered Cooper placed on

supervised probation for two years. *State v. Cooper*, St. Charles Co. Cir. Ct., No. 0611-CR05699-01.

9. On or about November 26, 2009, Cooper was discharged from probation in *State v. Cooper*, St. Charles Co. Cir. Ct., No. 0611-CR05699-01.

10. On or about January 17, 2012, Cooper submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

11. In the section of the Application headed "Background Information," Question # 1 asks, in part: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"

12. Cooper answered "Yes" to Background Question # 1.

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

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

15. 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, Cooper 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 Cooper's license.

16. Cooper 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.

17. 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

18. The actions admitted by Cooper may be grounds to refuse his Missouri motor vehicle extended service contract producer license application pursuant to § 385.209.1(5).

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

20. 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 Todd A. Cooper subject to the conditions set forth herein.

IT IS ORDERED that Todd A. Cooper 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. Cooper 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 Cooper by the Department, Cooper shall send the Department a copy of the complaint and Cooper's response to the consumer within five business days of receipt.

IT IS ORDERED that Todd A. Cooper shall execute and submit any necessary documents to provide the Department access to Cooper's probation and court records, including access to any chemical test results.

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


IT IS ORDERED that Todd A. Cooper 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 Todd A. Cooper maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Cooper 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 Cooper's prior felonies, or the underlying conduct, in *State of Missouri v. Todd Alan Cooper*, St. Charles Co. Cir. Ct., No. 04CR125320-01 or *State of Missouri v. Todd A. Cooper*, St. Charles Co. Cir. Ct., No. 0611-CR05699-01.

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 5TH DAY OF JULY, 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 Todd A. Cooper may have a right to a hearing, but that Todd A. Cooper has waived the hearing and consented to the issuance of this Consent Order.

TG

Todd A. Cooper
328 Rustic Oaks Dr.
Wentzville, Missouri 63385
Respondent

June 17, 2012
Date

Counsel for Respondent

Name: _____
Missouri Bar No. _____
Address: _____

Telephone: _____

Date

CHK

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6/25/12
Date