



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

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

In the Matter of:

Jeffrey Robert Pelletier,

Respondent.

)
)
)
)
)

Case No. 12-0313299C

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 Kristen E. Paulsmeyer, and Jeffrey Robert Pelletier, 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 21, 2005, Pelletier pleaded guilty to the Class D Felony of Criminal Non-Support in violation of § 568.040. *State v. Jeffrey Pelletier*, St. Charles Cir. Ct., No. 04CR127528-01. Pelletier received a suspended imposition of sentence, and the court placed him on probation for five years.

4. On or about June 25, 2007, the court revoked Pelletier's probation and sentenced Pelletier to the custody of the Department of Corrections for a period of three years. Pelletier received a suspended execution of sentence, and the court placed him on probation for a period of five years.

5. On or about February 25, 2008, the court revoked Pelletier's probation and sentenced Pelletier to the custody of the Department of Corrections for a period of three years.

6. Pelletier acknowledges and understands that should he fail to complete the terms of probation, under § 385.209.1(5), the Director may refuse or discipline Pelletier's motor vehicle extended service contract producer license. *State v. Jeffrey Pelletier*, St. Charles Cir. Ct., No. 04CR127528-01.

7. On or about December 6, 2011, Pelletier submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department which was supplemented on January 6, 2012.

8. 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?"

9. Pelletier answered "Yes" to Background Question # 1.

10. Pelletier disclosed his conviction for Criminal Non-Support, however, Pelletier failed to disclose three misdemeanor convictions for Passing Bad Checks on the Application.

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

12. Pelletier acknowledges and understands that under § 385.209.1(3), the Director may refuse to issue a motor vehicle extended service contract producer license to Pelletier because Pelletier obtained or attempted to obtain a license through material misrepresentation or fraud.

13. Pelletier 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, Pelletier 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 Pelletier's license.

15. Pelletier 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 Pelletier may be grounds to refuse his Missouri motor vehicle extended service contract producer license application pursuant to § 385.209.1(5) and (3).

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.

ORDER

IT IS ORDERED that the Department will issue a motor vehicle extended service contract producer license to Jeffrey Robert Pelletier subject to the conditions set forth herein.

IT IS ORDERED that Jeffrey Robert Pelletier 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. Pelletier 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 Pelletier by the Department, Pelletier

shall send the Department a copy of the complaint and Pelletier's response to the consumer within five business days of receipt.

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

IT IS ORDERED that Jeffrey Robert Pelletier 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 Jeffrey Robert Pelletier maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Pelletier 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 Pelletier's

prior felony, or the underlying conduct, in *State v. Jeffrey Pelletier*, St. Charles Cir. Ct., No. 04CR127528-01.

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.

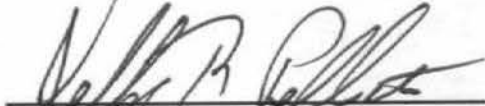
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 20th DAY OF June, 2012.



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 Jeffrey Robert Pelletier may have a right to a hearing, but that Jeffrey Robert Pelletier has waived the hearing and consented to the issuance of this Consent Order.



Jeffrey Robert Pelletier
1028 Hackberry Ct.
Troy, MO 63379
Respondent

June 6, 2012
Date

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

Telephone: _____

Date



Kristen E. Paulsmeyer
Counsel for Consumer Affairs Division
Missouri Bar No. 56458
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492

6/7/12
Date