



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:)
)
SAMUEL LAFAYETTE MORRIS II,) Case No. 130214170C
)
Respondent.)

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 counsel Tammy S. Kearns, and Samuel Lafayette Morris 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 and 375, RSMo¹, include the supervision, regulation, and discipline of insurance producers.

2. The Consumer Affairs Division (“Division”) of the Department has the duty of conducting investigations into the acts of insurance producers under Chapters 374 and 375,

¹ All statutory references are to the 2012 Supplement to the Revised Statutes of Missouri unless otherwise noted.

and is authorized to investigate and recommend enforcement action, including insurance producer license application refusal.

3. On or about November 1, 2002, Samuel Lafayette Morris II ("Morris") pleaded guilty to Stealing, a Class C Felony, in violation of § 570.030. The court sentenced Morris to seven (7) years' confinement, but suspended the execution of sentence, placed Morris on supervised probation for five (5) years, and also ordered Morris to complete a prison tour, obtain his General Education Degree, and complete parenting classes. *State of Missouri v. Samuel Lafayette Morris II*, St. Charles Co. Cir. Ct., Case No. 02CR126746-01.

4. On or about November 1, 2007, Morris was released from probation. *Id.*

5. On or about December 2, 2011, the Department received Morris's Application for a motor vehicle extended service contract producer license ("MVESC Application").

6. On or about May 10, 2012, the Director issued Morris a motor vehicle extended service contract producer license (license number 8151364) via a Consent Order. *In the Matter of: Samuel Lafayette Morris II*, Case No. 120406337C.

7. Morris's motor vehicle extended service contract producer license is set to expire on or about May 10, 2014.

8. On or about December 12, 2012, the Department received Morris's Application for an individual insurance producer license ("Insurance Producer Application").

9. Morris attached a letter to his Insurance Producer Application explaining the circumstances that led to his felony conviction as well as related court records showing the disposition of the case and the successful completion dates of his probation and ordered stipulations.

10. Separate from Morris's Insurance Producer Application, the Department received a letter from a victim in Case Number 02CR126746-01, urging the Department to issue a producer license to Morris so that he can maintain his job and care for his son.

11. On or about January 15, 2013, the Department also received Morris's Application to the Missouri Department of Insurance, Financial Institutions and Professional Registration for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. §1033 ("Section 1033 Waiver Application").

12. Morris acknowledges and understands that under § 375.141.1(6), the Director may refuse to issue an insurance producer license to Morris because Morris has been convicted of a felony.

13. Morris 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. 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, Morris 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 to issue Morris an insurance producer license.

15. Morris 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 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 facts admitted to by Morris in this Consent Order are grounds to refuse to issue Morris a Missouri insurance producer license pursuant to § 375.141.1(6).

18. Pursuant to 18 U.S.C. § 1033, the Director has discretion to grant or deny consent for Morris to engage in the business of insurance.

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

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 Director, having received and considered Samuel Lafayette Morris II's Section 1033 Waiver Application, will grant such application, subject to the following condition:

1. In the event that the Director determines that Samuel Lafayette Morris II, or a representative of Samuel Lafayette Morris II, has made a materially false or misleading statement, or has failed to disclose information material to the Director's determination herein, this Consent Order shall be void.

IT IS FURTHER ORDERED that the Department will issue an insurance producer license to Samuel Lafayette Morris II subject to the condition set forth above and subject to the following conditions:

1. Samuel Lafayette Morris II shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or a consumer within five (5) business days of receipt. Morris shall report in writing all consumer complaints, both written and oral, to the Consumer Affairs Division of the Department, within five (5) business days of receipt. If a complaint was not communicated to Morris by the Department, Morris shall send a copy of the complaint and Morris's response to the consumer within five (5) business days of receipt.

2. Samuel Lafayette Morris II shall report to the Consumer Affairs Division any and all of the following incidents involving Morris: probation violation, probation revocation, arrest, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or misdemeanor. Morris shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

3. For five (5) years subsequent to the date of this executed Consent Order, Samuel Lafayette Morris II will voluntarily surrender to the Department all licenses issued to him by the Department within thirty (30) days of Morris'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.

4. Samuel Lafayette Morris II shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Morris in another jurisdiction or by

another governmental agency in this state within five (5) business days after Morris receives notification of the initiation of such administrative action.

5. Samuel Lafayette Morris II shall report to the Consumer Affairs Division any violation of or failure to comply with the laws set forth in Chapters 374 and 375, RSMo within five (5) business days of such violation or failure to comply.

6. Samuel Lafayette Morris II shall report to the Consumer Affairs Division any violation of or failure to comply with the Consent Order entered in *In the Matter of: Samuel Lafayette Morris II*, Case No. 120406337C, within five (5) business days of such violation or failure to comply.

7. If Samuel Lafayette Morris II maintains his insurance producer license beyond the initial term and complies with the terms of this Consent Order, Morris may apply to renew his license and the Director shall consider the renewal application in accordance with Chapters 374 and 375, without regard to Morris's prior felony in *State of Missouri v. Samuel Lafayette Morris II*, St. Charles Co. Cir. Ct., Case No. 02CR126746-01. The renewed license will remain subject to the terms of this Consent Order.

8. 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 violation of, or failure to comply with, the terms of this Consent Order.


SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 20th DAY OF MAY, 2013.




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 Samuel Lafayette Morris II may have a right to a hearing, but that Samuel Lafayette Morris II has waived the hearing and consented to the issuance of this Consent Order.


_____ Date 5/13/13

Samuel Lafayette Morris II
Respondent
1400 Feise Road
O'Fallon, MO 63368
Telephone: (314) 489-6613
Email: samherculesmorris@gmail.com

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

Telephone: _____
Facsimile: _____
Email: _____

Date


_____ Date 5/20/13

Tammy S. Kearns, MO Bar # 62992
Counsel for Consumer Affairs Division
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
Email: Tammy.Kearns@insurance.mo.gov