

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

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

**In the Matter of:** )  
 )  
**Shane McNab,** ) **Case No. 180829837C**  
 )  
**Applicant.** )

**CONSENT ORDER**

Chlora Lindley-Myers, 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 Terra Sapp, and Shane McNab have reached a settlement in this matter and consent to the issuance of this Consent Order.

1. Chlora Lindley-Myers 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 385 RSMo,<sup>1</sup> include the

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<sup>1</sup> All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise noted.



supervision, regulation, and discipline of Motor Vehicle Extended Service Contract (“MVESC”) producers.

2. The Consumer Affairs Division of the Department has the duty, charged by the insurance laws of this state, to conduct investigations into the acts of motor vehicle extended service contract producers and is authorized by the Director to initiate actions necessary to enforce the laws of this state including the discipline of MVESC producer licenses and refusal of MVESC producer license applications.

3. On or about July 24, 2018, the Department received Shane McNab’s (McNab”) completed application for a motor vehicle extended service contract producer license (“Application”).

4. On and with the Application, McNab disclosed a felony conviction and provided court records that revealed the following:

On October 10, 2013, McNab pleaded guilty in the Dekalb County Circuit Court to the Class D Felony of operating a vehicle on a highway without a valid license in violation of § 302.020.<sup>2</sup> *State v. McNab*, Dekalb Co. Cir. Ct., Case No. 13DK-CR00054-01. The court suspended the imposition of sentence and placed McNab on five years’ probation. *Id.* On August 7, 2014 the court revoked his probation and sentenced him to 3 years’ incarceration in the Missouri Department of Corrections. *Id.* McNab was discharged from supervision by the Missouri Board of Probation and Parole on February 26, 2017. *Id.*

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<sup>2</sup> All criminal statutory references are to that version of RSMo in effect at the time the crime was committed.

5. McNab acknowledges and understands that the Director may refuse to issue McNab a MVESC producer license pursuant to § 385.209.1(5) because McNab has been convicted of a felony.

6. On and with the application, McNab disclosed that he has a child support obligation and is in arrears. He provided documentation that reveals that as of July 31, 2018, McNab is \$7,935 in arrears in his child support. *Anderson v. McNab, Clay Co. Cir. Ct., Case No. 14CYCV08642*. As of September 7, 2018, McNab is \$8,635 in arrears. *Id.*

7. McNab acknowledges and understands that under §385.209.1(12), the Director may refuse to issue a MVESC producer license to McNab because he has failed to comply with an administrative or court order imposing a child support obligation.

8. McNab acknowledges and understands that he has the right to consult legal counsel at his own expense.

9. McNab stipulates and agrees to waive any waivable rights to a hearing before the Administrative Hearing Commission or the Director, any waivable rights to seek judicial review, and any waivable rights to challenge or contest the terms and conditions of this Consent Order. McNab further stipulates and agrees to forever release and hold harmless the Department, the Director and her agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

10. McNab acknowledges and understands that this Consent Order is an administrative action and that the Department will report it to other states. McNab further acknowledges and understands that this administrative action should be disclosed on his

future applications and renewal applications and that he is responsible for complying with the reporting requirements of each state in which he may be licensed.

11. 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

12. The facts admitted by McNab are grounds to refuse his Application for an insurance producer license pursuant to § 385.209.1(5) and §385.209.1(12).

13. Section 385.209 provides, in relevant part:

1. The director may suspend, revoke, refuse to issue, or refuse to renew a registration or license under sections 385.200 to 385.220 for any of the following causes, if the applicant or licensee or the applicant's or licensee's subsidiaries or affiliated entities acting on behalf of the applicant or licensee in connection with the applicant's or licensee's motor vehicle extended service contract program has:

\* \* \*

(5) Been convicted of any felony;[or]

(12) Failed to comply with an administrative or court order imposing a child support obligation[.]

14. The foregoing facts hereby admitted by McNab constitute cause for the Director to refuse McNab's Application pursuant to § 385.209.1(5).

15. The foregoing facts hereby admitted by McNab constitute cause for the

Director to refuse McNab's Application pursuant to § 385.209.1(12).

16. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to § 374.046.

17. 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 Shane McNab, subject to the terms set forth herein and the following special conditions:

1. Shane McNab 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 Chapter 385, within five (5) business days of such violation or failure to comply.
2. Shane McNab shall respond to all inquiries from the Consumer Affairs Division in accordance with 20 CSR 100-4.100 (2)(A).
3. If a consumer complaint is communicated directly to Shane McNab, 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. Shane McNab shall report to the Consumer Affairs Division any and all of the following incidents involving McNab: the first court hearing or appearance in any criminal proceeding, guilty plea, *Alford* plea, nolo

contendere plea, finding of guilt, or conviction for a felony or misdemeanor. McNab shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

5. Shane McNab shall report to the Consumer Affairs Division any administrative action undertaken or initiated against McNab in another jurisdiction or by another governmental agency in this state within the five (5) business days after McNab receives notification of the initiation of such administrative action.
6. The special conditions listed in paragraphs 1 through 6 will expire upon the earlier of expiration, lapse, termination, revocation, or renewal of Shane McNab's resident MVEESC producer license, whichever occurs first.

IT IS FURTHER ORDERED that McNab shall pay his child support pursuant to court order in *Anderson. v. McNab*, Clay Co. Cir. Ct., Case No. 14CY-CV08642. McNab acknowledges and agrees that, by signing this Consent Order, he authorizes the Department to obtain from the Missouri Department of Social Services, Family Support Division, records of McNab's payment history showing compliance or non-compliance with his child support obligations. McNab agrees that he intends his signature below as a release of such records to the Department.

IT IS FURTHER ORDERED that, for five (5) years subsequent to the date that Shane McNab is issued a motor vehicle extended service contract producer license, Shane A. McNab will voluntarily surrender his resident insurance producer license to the Department within five (5) business days of McNab entering a guilty plea, entering a

nolo contendere plea or *Alford* plea, being found guilty, or being convicted for a felony, regardless of whether the sentence is suspended or executed.

IT IS FURTHER ORDERED that if Shane McNab fully complies with the terms of this Consent Order and no cause for the Director to discipline McNab's MVESC producer license can be found, then McNab may apply to renew his MVESC producer license, and the Director shall consider his renewal application in accordance with Chapter 385 without regard to McNab's prior felony conviction in *State v. McNab*, Dekalb Co. Cir. Ct., Case No. 13DK-CR00054-01 or the underlying conduct.

IT IS FURTHER ORDERED that if McNab pays his child support pursuant to court order in *Anderson v. McNab*, Clay Co. Cir. Ct., Case No. 14CY-CV08642, beginning on the date that this Consent Order is fully and finally executed, and for five (5) years after that date, then each time within that five-year period when McNab applies to renew his license, the Director shall consider those renewal applications in accordance with Chapters 374 and 375 and without regard to McNab's child support arrearages in that accrued in *Anderson v. McNab*, Clay Co. Cir. Ct., Case No. 14CY-CV08642 prior to the date that this Consent Order was fully and finally executed. If, at any time after the date that this Consent Order is fully and finally executed, McNab does not pay his child support pursuant to court order in *Anderson v. McNab*, Clay Co. Cir. Ct., Case No. 14CY-CV08642, and during the five-year period following the date of the full and final execution of this Consent Order, the Director will consider all of McNab's child support arrearages, accruing both before and after the date of the full and final execution of this Consent Order, in determining whether to renew McNab's insurance producer license, assuming that McNab decides to apply to renew.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, without limitation as authorized by Chapters 374 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 12<sup>th</sup>

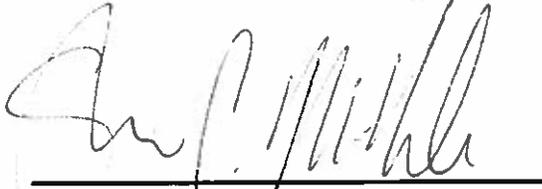
DAY OF October, 2018.



Chlora Lindley-Myers  
CHLORA LINDLEY-MYERS, Director  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration

**CONSENT AND WAIVER OF HEARING**

The undersigned persons understand and acknowledge that Shane McNab may have a right to a hearing but that Shane McNab waives the hearing and consents to the issuance of this Consent Order.



Shane McNab, Applicant  
406 Wildflower Ridge Ct.  
Wentzville, Missouri 63385  
(314) 498-6809

09-27-2018

Date

\_\_\_\_\_  
Counsel for Applicant

Name: \_\_\_\_\_

Missouri Bar No.: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Facsimile: \_\_\_\_\_

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\_\_\_\_\_  
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10 - 2 - 2018

Date