

STATE OF MISSOURI



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

IN RE:)	
)	
BRANDON KELLY GIBSON,)	Case No. 140528482C
)	
Applicant.)	

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 legal counsel Mark J. Rachel, and Brandon Kelly Gibson have reached a settlement in this matter and have agreed 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, RSMo,¹ include the licensure, supervision, regulation, and discipline of insurance producers in the State of Missouri.

2. The Consumer Affairs Division ("Division") of the Department has the duty of conducting investigations into the qualifications of insurance producer license applicants and has

¹ All statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2014 RSMo Supplement, unless otherwise noted.

been authorized by the Director to initiate actions before the Director to enforce the insurance laws of Missouri, including insurance producer license application refusal and insurance producer license discipline.

3. On February 19, 2014, the Department received the Uniform Application for Individual Producer License/Registration (“Application”) of Applicant Brandon Kelly Gibson (“Gibson”).

4. On November 15, 1989, Gibson pled guilty to Conspiracy to Sell Marijuana, a Class E Felony, in violation of K.S.A. §§ 65-4127b and 21-3302. The court convicted Gibson and sentenced him to two years’ supervised probation. *Kansas v. Brandon Kelly Gibson*, Riley Co. Dist. Ct., Case No. 89-CR-208.

5. On or about November 14, 1994, Gibson pled guilty to Unlawfully Arranging Sales or Purchases of Controlled Substances Using a Communication Facility, a Class D Felony, in violation of K.S.A. § 65-4141. The court convicted Gibson and sentenced him to two years’ supervised probation. *Kansas v. Brandon Kelly Gibson*, Riley Co. Dist. Ct., Case No. 92-CR-707.

6. On April 11, 2001, a jury found Gibson guilty of Cultivation of Marijuana, a Level III Felony, in violation of K.S.A. § 65-4163(a)(3); two counts of Possession of a Controlled Substance with Intent to Distribute, both Level III Felonies, both in violation of K.S.A. § 65-4161; Possession of Drug Paraphernalia, a Level III Felony, in violation of K.S.A. § 65-4152(a)(3); two counts of No Tax Stamp,² both Level X Felonies, both in violation of K.S.A. §§ 79-5204 and 79-5208; and two counts of Possession of Drug Paraphernalia, both unclassified Misdemeanors, both in violation of K.S.A. § 65-4152(a)(2). The court sentenced

² The criminal statute punishes failure to pay tax with respect to a controlled substance and affix thereon evidence of payment, such as a stamp or brand.

Gibson to various concurrent terms of incarceration, the longest of which was thirty months.
Kansas v. Brandon Gibson, Riley Co. Dist. Ct., Case No. 00-CR-510.

7. On May 17, 2001, a jury found Gibson guilty of Possession of Marijuana with Intent to Distribute Within One Thousand Feet of a School, a Level II Felony, in violation of K.S.A. § 65-4163(a)(3); two counts of Possession of Drug Paraphernalia, both Level IV Felonies, both in violation of K.S.A. § 65-4152(a)(3); and Possession of Drug Paraphernalia, a Class A Misdemeanor, in violation of K.S.A. § 65-4152(a)(2). The court sentenced Gibson to fifty-nine months' incarceration, to be served concurrently with the sentences in *Kansas v. Brandon Gibson*, Riley Co. Dist. Ct., Case No. 00-CR-510. *Kansas v. Brandon Gibson*, Riley Co. Dist. Ct., Case No. 00-CR-772.

8. Gibson disclosed his criminal history on his Application and provided to the Department court records demonstrating his criminal history.

9. Gibson acknowledges and understands that pursuant to § 375.141.1(6) the Director may refuse to issue him a non-resident insurance producer license because he has been convicted of eleven felonies and fourteen crimes involving moral turpitude, each of which constitutes a separate and sufficient ground for refusal.

10. Gibson acknowledges and understands that he has the right to consult an attorney at his own expense.

11. Gibson 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.

12. Gibson acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Gibson further acknowledges and understands that this administrative action should be disclosed on future license applications and renewal applications in this state and in other jurisdictions, and that it is his responsibility to comply with the reporting requirements of each state in which he may be licensed.

13. 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 representative capacity, to be bound by the terms of this Consent Order.

CONCLUSIONS OF LAW

14. The foregoing facts hereby admitted by Gibson are grounds to refuse his Application pursuant to § 375.141.1(6).

15. The Director may issue orders in the public interest pursuant to § 374.046.

16. The terms set forth in this Consent Order are an appropriate disposition of this matter and issuance of this Consent Order is in the public interest.

ORDER

IT IS ORDERED that the Department will issue a non-resident insurance producer license to Brandon Kelly Gibson subject to the conditions set forth herein and the following special conditions:

1. Brandon Kelly Gibson 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 Chapters 374 and 375, within five (5) business days of such violation or failure to comply.

2. Brandon Kelly Gibson shall respond to all inquiries from the Department in accordance with 20 CSR 100-4.100.

3. If a consumer complaint is communicated directly to Brandon Kelly Gibson, he shall send the Department 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. Brandon Kelly Gibson shall report to the Consumer Affairs Division any and all of the following incidents involving him: arrest, guilty plea, Alford plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Brandon Kelly Gibson shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

5. Brandon Kelly Gibson shall report to the Consumer Affairs Division any administrative action taken against him by any other state or federal governmental agency in Missouri or any other jurisdiction within five (5) business days of the final disposition of such administrative action.

6. Brandon Kelly Gibson shall voluntarily surrender his non-resident insurance producer license to the Department within five (5) business days of any of the following incidents involving him: guilty plea, Alford plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor, regardless of whether any associated sentence is suspended or executed.

7. The special conditions listed in the preceding six paragraphs will expire upon the earlier of five (5) years from the date this Consent Order is issued or the refusal on renewal or revocation of Brandon Kelly Gibson's non-resident insurance producer license.

IT IS FURTHER ORDERED that if Brandon Kelly Gibson maintains his non-resident insurance producer license beyond the initial term and complies with the terms of this Consent Order, he may apply to renew his non-resident insurance producer license and the Director shall consider the renewal application in accordance with Chapters 374 and 375 but without regard to the criminal proceedings, or the associated conduct, in *Kansas v. Brandon Kelly Gibson*, Riley Co. Dist. Ct., Case No. 89-CR-208, *Kansas v. Brandon Kelly Gibson*, Riley Co. Dist. Ct., Case No. 92-CR-707, *Kansas v. Brandon Gibson*, Riley Co. Dist. Ct., Case No. 00-CR-510, or *Kansas v. Brandon Gibson*, Riley Co. Dist. Ct., Case No. 00-CR-772.

IT IS FURTHER ORDERED that 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 violating or failing to comply with the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 23RD DAY OF

January, 2015.

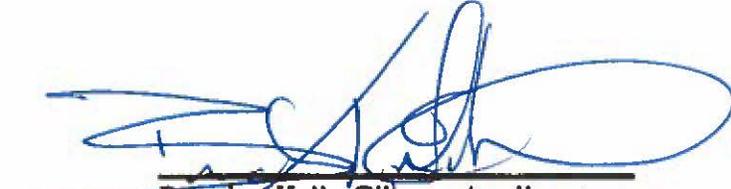




JOHN M. HUFF, Director
Missouri Department of Insurance, Financial
Institutions and Professional Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Brandon Kelly Gibson has the right to a hearing, but that Brandon Kelly Gibson has waived the hearing and consented to the issuance of this Consent Order.



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1/14/2015

Date

Counsel for Applicant

Date

Name: _____

Missouri Bar No. _____

Address: _____

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January 23, 2015

Date