



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

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

In the Matter of:

Ryan A. Bell,

Applicant.

)
)
)
)
)

Case No. 168453

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 Andy Heitmann, and Ryan A. Bell, 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. Ryan A. Bell, ("Bell") is a Missouri resident with a residential address of record of 913 Barton Place, St. Charles, Missouri 63301.

4. On or about January 25, 2007, and on or about March 8, 2007, Bell knowingly sold cocaine HCl to an undercover police officer.

5. On June 23, 2008, Bell pled guilty in the St. Charles County Circuit Court to two counts of the Class B Felony of Distribution, Delivery, Manufacture or Production of a Controlled Substance under § 195.211, RSMo. *State of Missouri v. Ryan A. Bell*, St. Charles Co. Cir. Ct., No. 0711-CR04084-01.

6. On August 25, 2008, the court sentenced Bell on each count to five years' incarceration with the Missouri Department of Corrections, with the sentences to run concurrently, but the court suspended execution of the sentences and gave Bell five years' probation.

7. On November 23, 2009, the court revoked Bell's probation and sentenced Bell to 120 days' incarceration. At the end of the incarceration period, the court gave Bell another five years' probation.

8. Bell is currently on probation, which is due to end on April 8, 2015.

9. On May 3, 2012, the Department received Bell's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

10. Background Question No. 1 of the Application asks the following:

Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?

“Crime” includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license or juvenile offenses. “Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

“Had a judgement withheld or deferred” includes circumstances in which a guilty plea was entered and/or a finding of guilt is made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an “SIS” or “SES”).

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment[.]

11. Bell marked “Yes” to Question No. 1. With his Application, Bell included a written statement that stated, verbatim, in part:

In January of 2007 is I was charged with selling drugs to a under cover cop. Someone who I thought was a friend had asked me if I knew anyone who could get some drugs. I told him that I did. He brought this guy with him who I did not know. This person who I had thought to be a friend was actually a informant trying to get out of his own trouble. He introduced me the the person that he brought. A couple of weeks later that person called and asked the same question. I told him I could call someone and see if I could get some drugs. I called him back and told him I could. Later on that night we met up and that’s when I was arrested. I was never a supplier of drugs. I was just getting drugs from another person.

12. Bell also included with his Application a certified copy of the Judgment and Sentence from *State of Missouri v. Ryan A. Bell*, St. Charles Co. Cir. Ct., No. 0711-CR04084-01.

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

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

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

Conclusions of Law

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

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 Ryan A. Bell under the conditions set forth herein.

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

IT IS ORDERED that Ryan A. Bell shall maintain full compliance with all court orders and other requirements relating to *State of Missouri v. Ryan A. Bell*, St. Charles Co. Cir. Ct., No. 0711-CR04084-01. Bell shall sign and submit a Statement of Compliance to the Director within 30 days of his completion of probation. Should Bell fail to successfully complete probation, Bell shall notify the Consumer Affairs Division within five business days of the dismissal from or revocation of probation and notify the Consumer Affairs Division of the consequences of such failure, dismissal, or revocation.

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

IT IS ORDERED that Ryan A. Bell shall report to the Consumer Affairs Division any and all of the following incidents involving Bell: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Bell 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, or until such later date as may be agreed between the parties in a subsequent agreement, Bell will voluntarily surrender his license to the Department within 30 days of Bell's failure to successfully complete the probation associated with *State of Missouri v. Ryan A. Bell*, St. Charles Co. Cir. Ct., No. 0711-CR04084-01.

IT IS ORDERED that for five years subsequent to the date of this executed Consent Order, or until such later date as may be agreed between the parties in a subsequent agreement, Ryan A. Bell will voluntarily surrender his license to the Department within five business days of Bell'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 Ryan A. Bell shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Bell in another jurisdiction or by another governmental agency in this state within five business days after Bell receives notification of the initiation of such administrative action.

IT IS ORDERED that Ryan A. Bell 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 Ryan A. Bell maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, including successful completion of probation, Bell may apply to renew his license and the Director shall consider the renewal application in accordance with Chapters 374, 375, and 385, and shall not refuse to renew Bell's license based solely on Bell's prior felony convictions

described in this Consent Order, and/or the underlying conduct in *State of Missouri v. Ryan A. Bell*, St. Charles Co. Cir. Ct., No. 0711-CR04084-01.

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 6TH DAY OF MARCH, 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 Ryan A. Bell may have a right to a hearing, but that Ryan A. Bell has waived the hearing and consented to the issuance of this Consent Order.



Ryan A. Bell
913 Barton Place
St. Charles, Missouri 63301
Respondent

2-13-13
Date

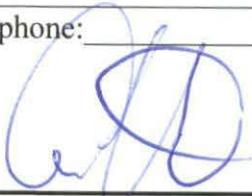


Jennifer R. Ferguson
02-13-2013

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

Telephone: _____

Date



Andy Heitmann
Consumer Affairs Division Counsel
Missouri Bar No. 60679
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-1922
Facsimile: (573) 522-3630

2/25/13
Date

CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of the above consent order has been delivered by certified mail, return receipt requested and regular mail, to the above-mentioned person this 8 day of February, 2013.


Hailey Boessen
Senior Office Support Assistant
Investigations Section