



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

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

In the Matter of:

DANA M. COLE,

Applicant.

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Case No. 170928380C

CONSENT ORDER

Chlora Lindley-Myers, 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 legal counsel Cheryl C. Nield, and Applicant Dana M. Cole have reached a settlement in this matter and have consented 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 (the "Director"

of the “Department”) whose duties, pursuant to Chapters 374 and 375, RSMo,¹ include the supervision, regulation, and discipline of insurance producers.

2. The Consumer Affairs Division (“Division”) has the duty of conducting investigations into the acts of insurance producers under Chapters 374 and 375 and is authorized by the Director to investigate and to recommend enforcement action including insurance producer license application refusal.

3. Dana M. Cole (“Cole”) is a Missouri resident with a residential and mailing address of 62443 Vaughn Drive, California, Missouri 65018 and a business address of 100 W. Buchanan Street, California, Missouri 65018.

4. On July 17, 2017, Cole submitted an electronic application for a resident insurance producer license (“Application”) to the Department, along with attachments.

5. Background Information Question Number 1B on the Application asks, in relevant part, “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?”

6. Cole answered “Yes” to Background Information Question Number 1B. She provided a letter of explanation regarding her criminal past and court documents showing that she was previously convicted of a felony, as follows: On September 16, 2004, the Moniteau County Prosecutor charged Cole with one count of the Class A Felony of Trafficking Drugs in the First Degree, in violation of § 195.222,² and one count of the Class A Felony of Trafficking Drugs in the Second Degree, in violation of § 195.222. *State v.*

¹ All civil statutory references are to RSMo Supp. 2013 unless otherwise noted.

² All criminal statutory citations are to that version of RSMo under which the court rendered judgment.

Dana M. Cole, Moniteau Co. Cir. Ct., Case No. 26R080500568. On or about February 6, 2006, the prosecutor filed an Amended Information, charging Cole with one count of the Class B Felony of Distribution, Delivery, Manufacture, Production or Attempt to or Possession with Intent to Distribute, Deliver, Manufacture, or Produce a Controlled Substance, in violation of § 195.211 and dismissed the second count. *Id.* On April 4, 2006, Cole pled guilty to the amended charge. *Id.* Also on April 4, 2006, the court sentenced Cole to ten years in the Missouri Department of Corrections, with execution of that sentence suspended, and five years of supervised probation. *Id.*

7. Cole acknowledges and understands that under § 375.141.1(6), the Director may refuse to issue an insurance producer license to Cole because Cole has been convicted of a felony and because she has been convicted of a crime involving moral turpitude.

8. Cole acknowledges and understands that she has the right to consult counsel at her own expense.

9. Cole stipulates and agrees to waive any waivable rights that she 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 her agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

10. Cole acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Cole further acknowledges and understands that this administrative action should be disclosed on future

applications and renewal applications and that it is her responsibility to comply with the reporting requirements of each state in which she is 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. Section 375.141.1 provides, in relevant part:

The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:

* * *

(6) Having been convicted of a felony or crime involving moral turpitude[.]

13. The facts admitted herein by Cole provide cause for the Director to refuse to issue a resident insurance producer license to Cole pursuant to § 375.141.1(6).

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

15. 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 resident individual insurance producer license to Cole, subject to the conditions set forth herein.

1. Cole shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to her by the Department or the consumer within five (5) business days of receipt.

2. Cole shall report in writing all consumer complaints, both written and oral, to the Division within five (5) business days of receipt. If a complaint was not communicated to Cole by the Department, Cole shall send a copy of the complaint and Cole's response to the consumer to the Department within five (5) business days of receipt.

3. Cole shall report to the Department any violation of or failure to comply with the laws set forth in Chapters 374 or 375 within five (5) business days of such violation or failure to comply.

4. Cole shall report to the Department any administrative action taken against Cole in another jurisdiction or by another governmental agency in this state within five (5) business days after she receives notification of the initiation of such administrative action.

5. Cole shall report to the Department any probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilty or conviction concerning a felony or misdemeanor within five (5) business days of such occurrence.

6. The special conditions listed in the preceding five (5) paragraphs will expire upon the expiration, lapse, termination, revocation, or renewal of Cole's insurance producer license, whichever comes first.

IT IS FURTHER ORDERED that for two (2) years subsequent to the date of this executed Consent Order, Cole will voluntarily surrender her license to the Department within

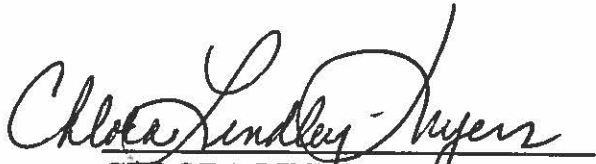
thirty (30) days of Cole's entry of a guilty plea, nolo contendere plea, or finding of guilty or conviction for a felony, regardless of whether sentence is imposed, suspended, or executed.

IT IS FURTHER ORDERED that if Cole maintains her insurance producer license beyond the initial term and complies with the terms of this Consent Order, Cole may apply to renew her license and the Director shall consider the renewal application in accordance with Chapters 374 and 375, and without regard to Cole's prior felony conviction in *State v. Dana M. Cole*, Moniteau Co. Cir. Ct., Case No. 28R080500568.

IT IS FINALLY 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 violation of, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 27th DAY OF November, 2017.




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 Dana M. Cole may have the right to a hearing, but that Dana M. Cole has waived the hearing and consented to the issuance of this Consent Order.



Dana M. Cole
62443 Vaughn Dr.
California, MO 65018
Telephone: (573) 645-5669
Respondent

11-10-17
Date

~~_____~~
Counsel for Respondent

~~Name: _____~~

~~Missouri Bar No. _____~~

~~Address: _____~~

~~_____~~

~~Telephone: _____~~

Date



Cheryl C. Nield
Counsel for Consumer Affairs Division
Missouri Bar No. 41569
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11-14-17
Date