



FINAL ORDER
EFFECTIVE
10-10-16

State of Missouri
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:)
)
DOMINIC ISIAH MADISON,) **Case No. 160225115C**
)
Renewal Applicant.)

ORDER REFUSING TO RENEW MOTOR VEHICLE
EXTENDED SERVICE CONTRACT PRODUCER LICENSE

On April 19, 2016, the Consumer Affairs Division, through counsel, submitted a Petition to the Director alleging cause to refuse to renew Dominic Isiah Madison’s motor vehicle extended service contract producer license. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Dominic Isiah Madison (“Madison”) is a Missouri resident with a residential address of 690 Florland Drive, Florissant, Missouri 63031.
2. On December 2, 2011, the Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Madison’s application for a motor vehicle extended service contract producer license (“2011 Application”).
3. Background Question No. 1 of the 2011 Application asked, in relevant part:

Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?
4. In response to Background Question No. 1 on his 2011 Application, Madison disclosed the following felony conviction:
 - a. On August 22, 2008, Madison pled guilty to and was convicted of Involuntary Manslaughter – Vehicular – Intoxicated, a Class C Felony, in violation of

§ 565.024 RSMo.¹ The court sentenced Madison to five (5) years' incarceration, but suspended the execution of sentence and ordered Madison to complete three (3) years' supervised probation. *State v. Dominic I. Madison*, St. Louis Co. Cir. Ct., Case No. 07SL-CR07335-01.

5. On May 1, 2012, the Director entered a Consent Order, signed by Madison, in which the Director agreed to issue a motor vehicle extended service contract ("MVESC") producer license to Madison. *In the Matter of: Dominic Isiah Madison*, Consent Order, Case No. 12-0327322C ("Consent Order"). A copy of the Consent Order is attached hereto as Exhibit A and incorporated by reference.
6. In the Consent Order, Madison agreed to, acknowledged, and understood that the Director had cause to refuse to issue a MVESC producer license to Madison:
 - a. Madison acknowledges and understands that under § 385.209.1(5), the Director may refuse to issue a motor vehicle extended service contract producer license to Madison because Madison has been convicted of a felony.

Id. at ¶ 7.

7. Under the Consent Order, the Director agreed to issue Madison a MVESC producer license subject to special conditions, including but not limited to the following:

IT IS ORDERED that the Department will issue a motor vehicle extended service contract producer license to Dominic Isiah Madison subject to the conditions set forth herein.

* * *

IT IS ORDERED that Dominic Isiah Madison shall report to the Consumer Affairs Division any and all of the following incidents involving Madison: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or misdemeanor. Madison 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, Dominic Isiah Madison will voluntarily surrender his license to the Department within 30 days of Madison'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.

¹ All references to criminal statutes are to the version of the Revised Statutes of Missouri under which each judgment was rendered.

* * *

IT IS ORDERED that Dominic Isiah Madison 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 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.

Id.

8. On May 3, 2012, the Department issued a MVESC producer license (License No. 8149324) to Madison, which he subsequently renewed on May 4, 2014, and which is set to expire May 2, 2016.
9. On March 25, 2015, Madison was arraigned and on October 2, 2015, Madison pled guilty to Unlawful Possession of a Firearm, a Class C Felony, in violation of § 571.070. On December 11, 2015, the court sentenced Madison to four (4) years' incarceration, but suspended the execution of sentence and ordered Madison to complete five (5) years' supervised probation. *State v. Dominic I. Madison*, St. Louis Co. Cir. Ct., Case No. 15SL-CR00355-01.
10. Madison did not report his arrest, citation, guilty plea, finding of guilt or conviction concerning a felony to the Division within five (5) business days of their occurrence as required by the Consent Order.
11. Madison did not voluntarily surrender his license to the Department within thirty (30) days of Madison's entry of a guilty plea, finding of guilt, or conviction for a felony as required by the Consent Order.
12. Madison did not report his felony proceeding to the Director or provide the Director with copies of the indictment or information filed, the order resulting from the hearing, or any other relevant documents, within thirty (30) days of the initial pretrial hearing date or arraignment.
13. Madison did not report his violation of or failure to comply with the laws set forth in Chapter 385 within five (5) business days of such violation or failure to comply as required by the Consent Order.

14. On February 8, 2016, the Department received Madison's Application for Motor Vehicle Extended Service Contract Producer License Renewal ("2016 Renewal Application").

15. Background Question No. 1 of the 2016 Renewal Application asks, in relevant part:

Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime, which has not been previously reported to this insurance department?

* * *

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

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

16. Madison answered "Yes" to Background Question No. 1 on his 2016 Renewal Application and disclosed his conviction for Unlawful Possession of a Firearm, a Class C Felony, in case number 15SL-CR00355-01.

17. In further response to Background Question No. 1 on his 2016 Renewal Application, Madison attached a letter dated January 14, 2016 that included his explanation of the circumstances that led to his felony conviction for Unlawful Possession of a Firearm, the Information filed on March 6, 2015, the Sentence and Judgment filed on December 11, 2015, and the Order of Probation filed on December 24, 2015, all of which were entered in case number 15SL-CR00355-01.

18. This is the first instance in which Madison reported his arraignment, guilty plea, felony conviction, or the felony proceeding in case number 15SL-CR00355-01 to the Director or the Division.

CONCLUSIONS OF LAW

19. Section 385.209 RSMo² (Supp. 2013) 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

² All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement, unless otherwise indicated.

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:

* * *

(2) Violated any provision in sections 385.200 to 385.220, or violated any rule, subpoena, or order of the director;

* * *

(5) Been convicted of any felony[.]

* * *

7. Within thirty days of the initial pretrial hearing date or arraignment, a producer shall report to the director any felony proceeding initiated by any state or the United States for any violation of law by the producer. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant documents.

20. Renewal of Madison's MVESC producer license may be refused pursuant to § 385.209.1(2) because Madison violated an Order of the Director, namely the Consent Order, when Madison failed to report his arrest, citation, guilty plea, finding of guilt or conviction concerning a felony in case number 15SL-CR00355-01 to the Division within five (5) business days of their occurrence.

21. Renewal of Madison's MVESC producer license may be refused pursuant to § 385.209.1(2) because Madison violated an Order of the Director, namely the Consent Order, when Madison failed to voluntarily surrender his license to the Department within thirty (30) days of Madison's entry of a guilty plea, finding of guilt, or conviction for a felony in case number 15SL-CR00355-01.

22. Renewal of Madison's MVESC producer license may be refused pursuant to § 385.209.1(2) because Madison violated any provision in §§ 385.200 to 385.220, namely § 385.209.7, when Madison failed to report the felony proceeding initiated against him to the Director or provide the Director with copies of the indictment or information filed, the order resulting from the hearing, or any other relevant documents, within thirty (30) days of the initial pretrial hearing date or arraignment in case number 15SL-CR00355-01.

23. Renewal of Madison's MVESC producer license may be refused pursuant to § 385.209.1(2) because Madison violated an Order of the Director, namely the Consent Order, when Madison failed to report his violation of or failure to comply with the laws

set forth in Chapter 385 to the Division within five (5) business days of such violation or failure to comply.

24. Each violation of any provision in §§ 385.200 to 385.220 or violation of an order of the director is a separate and sufficient ground for refusal pursuant to § 385.209.1(2).
25. Renewal of Madison's MVESC producer license may be refused pursuant to § 385.209.1(5) because Madison has been convicted of two felonies:
 - a. Involuntary Manslaughter – Vehicular – Intoxicated, a Class C Felony. *State v. Dominic I. Madison*, St. Louis Co. Cir. Ct., Case No. 07SL-CR07335-01.
 - b. Unlawful Possession of a Firearm, a Class C Felony. *State v. Dominic I. Madison*, St. Louis Co. Cir. Ct., Case No. 15SL-CR00355-01.
26. Each felony conviction is a separate and sufficient ground for refusal pursuant to § 385.209.1(5).
27. The Director has considered Madison's history and all of the circumstances surrounding Madison's 2016 Renewal Application. Renewing Madison's MVESC producer license would not be in the public interest. Accordingly, the Director exercises his discretion to refuse to renew Madison's MVESC producer license.
28. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that **Dominic Isiah Madison's** motor vehicle extended service contract producer license renewal application is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 20th DAY OF APRIL, 2016.




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

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of April, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Dominic Isiah Madison
690 Florland Drive
Florissant, Missouri 63031

Tracking No. 1ZOR15W84296735326



Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
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Email: Kathryn.latimer@insurance.mo.gov



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

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

In the Matter of:)
)
Dominic Isiah Madison,) Case No. 12-0327322C
)
Respondent.)

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 Kristen E. Paulsmeyer, and Dominic Isiah Madison, 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. On or about August 22, 2008, Dominic Isiah Madison ("Madison") pleaded guilty to the Class C Felony of Involuntary Manslaughter in the 1st degree in violation of § 565.024. *State v. Dominic I. Madison*, St. Louis Co. Cir. Ct., 07SL-CR7335.

4. On or about August 22, 2008, the court sentenced Madison to the custody of the Department of Corrections for a period of five years, suspended the execution of sentence, and placed him on probation for a period of three years.

5. On or about August 21, 2011, Madison was discharged from probation.

6. On or about December 2, 2011, Madison submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

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

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

9. This Consent Order is entered pursuant to §§ 374.046 and 385.216. 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, Madison 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 Madison's license.

10. Madison stipulates and agrees to waive any waivable rights that he may have to a hearing before the Administrative Hearing Commission, 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.

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

13. The Director may impose orders in the public interest under §§ 374.046 and 385.216.

14. 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 Dominic Isiah Madison subject to the conditions set forth herein.

IT IS ORDERED that Dominic Isiah Madison 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. Madison shall report in writing all consumer complaints, both written and oral, to the Consumer Affairs Division, within five business days of receipt. If a complaint was not communicated to Madison by the Department, Madison shall send a copy of the complaint and Madison's response to the consumer within five business days of receipt.

IT IS ORDERED that Dominic Isiah Madison shall report to the Consumer Affairs Division any and all of the following incidents involving Madison: probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or misdemeanor. Madison 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, Dominic Isiah Madison will voluntarily surrender his license to the Department within 30 days of Madison'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 Dominic Isiah Madison shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Madison in another jurisdiction or by another governmental agency in this state within five business days after Madison receives notification of the initiation of such administrative action.

IT IS ORDERED that Dominic Isiah Madison 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 Dominic Isiah Madison maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Madison may apply to renew his license and the Director shall consider the renewal application in accordance with Chapters 374, 375, and 385 without regard to Madison's prior felony or the underlying conduct in *State v. Dominic I. Madison*, St. Louis Co. Cir. Ct., 07SL-CR7335.

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 1ST DAY OF MAY, 2012.



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 Dominic Isiah Madison may have a right to a hearing, but that Dominic Isiah Madison has waived the hearing and consented to the issuance of this Consent Order.



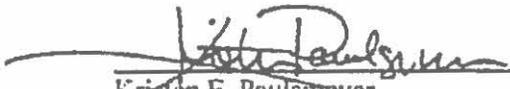
Dominic Isiah Madison
13 Blanchette Drive
Florissant, MO 63031
Respondent

4-23-12
Date

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

Telephone: _____

Date



Kristen E. Paulsmeyer
Counsel for Consumer Affairs Division
Missouri Bar No. 56458
Department of Insurance, Financial
Institutions and Professional Registration
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Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492

4/26/12
Date