

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

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

In the Matter of:)
)
DONALD M. CULTON,) **Case No. 180705770C**
)
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 ?, and Donald M. Culton 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 375 RSMo,¹ include the supervision, regulation, and discipline of insurance producers.

¹ All civil statutory references are to the Revised Statutes of Missouri 2016. RSMo 2016, unless otherwise noted.

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 insurance producers and is authorized by the Director to initiate actions necessary to enforce the insurance laws of this state, including the discipline of insurance producer licenses and refusal of insurance producer license applications.

3. On or about February 27, 2018, the Department received Donald M. Culton's ("Culton") completed electronic Application for Insurance Producer License ("Application").

4. On and with the Application, Culton disclosed four felony convictions and a misdemeanor conviction and provided court records that revealed the following:

- a. On August 23, 1999, Culton pled guilty to a Class C Felony, Possession of a Controlled Substance, and was sentenced to four years incarceration with the Missouri Department of Corrections ("Corrections") and directed to enter a treatment program. *State v. Donald Culton*, Jefferson Co. Cir. Ct., Case No. 23CR199-0160-FX-J2.
- b. Also on August 23, 1999, Culton pled guilty to a Class B Felony, Sale of a Controlled Substance, and a Class B Felony, Trafficking in the Second Degree, and was sentenced to seven years on the first felony and seven years on the second. In addition, the court directed Culton to enter a treatment program and ordered that this sentence be served concurrent with the sentence imposed in *State v. Donald Culton*, Jefferson Co. Cir. Ct., Case No. 23CR199-0160-FX-J2. *State v. Donald Culton*, Jefferson Co. Cir. Ct., Case No. 23CR199-0636-FX-J2.
- c. In February 2002, Corrections released Culton on parole. However, on August 29, 2005, the Jefferson County Prosecuting Attorney charged Culton with a Class A Misdemeanor, Domestic Assault in the Third Degree, which resulted in the revocation of Culton's parole. *State v. Donald Culton*, Jefferson Co. Assoc. Cir. Ct., Case No. CR305-2635-M-A14. He was returned to Corrections to serve the remainder of his sentence in *State v. Donald Culton*, Jefferson Co. Cir. Ct., Case No. 23CR199-0636-FX-J2.
- d. On December 5, 2005, pursuant to an Agreement for Plea of Guilty and Sentencing in Absence of Defendant, the Jefferson County Associate

Circuit Court sentenced Culton to serve ninety days concurrent with his sentence in *State v. Culton*, Jefferson Co. Cir. Ct., Case No. 23CR199-0636-FX-J2 on the Class A Misdemeanor, Domestic Assault charge. *State v. Donald Culton*, Jefferson Co. Assoc. Cir. Ct., Case No. CR305-2635-M-A14.

- e. On December 5, 2011, Culton pled guilty to a Class B Felony, Possession of Controlled Substance With Intent to Distribute. The court sentenced Culton to fifteen years with Corrections and committed him to a long term drug treatment program. *State v. Donald Emmanuel Culton*, Jefferson Co. Cir. Ct., Case No. 11JE-CR01583-01.
- f. On March 5, 2014, the Jefferson County Circuit Court placed Culton on five years of supervised probation. (Culton had completed the court-ordered long term drug treatment program by this point.) Then on November 6, 2016, Corrections, Board of Probation and Parole, discharged Culton, early, from its supervision.

5. Culton acknowledges and understands that the Director may refuse to issue him a resident insurance producer license pursuant to § 375.141.1(6) because Culton has been convicted of three felonies.

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

7. Culton 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. Culton 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.

8. Culton acknowledges and understands that this Consent Order is an administrative action and that the Department will report it to other states. Culton 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.

9. 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

1. The facts above, which are admitted by Culton, are grounds to refuse his Application pursuant to § 375.141.1(6).

2. Section 375.141 provides, in relevant part:

1. 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 any felony or a crime involving moral turpitude[.]

3. The foregoing facts hereby admitted by Culton constitute cause for the Director to refuse Culton's Application pursuant to § 375.141.1(6).

4. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to §§ 374.046, 536.060, and 621.045.

5. 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 insurance producer license to Donald M. Culton subject to the terms set forth herein and the following special conditions:

1. Culton 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 or 375, within five (5) business days of such violation or failure to comply.
2. Culton shall respond to all inquiries from the Consumer Affairs Division in accordance with 20 CSR 100-4.100.
3. If a consumer complaint is communicated directly to Culton, Culton shall send the Consumer Affairs Division a copy of the complaint and a copy of Culton's response to the consumer within five (5) business days of receipt of the consumer complaint.
4. Culton shall report to the Consumer Affairs Division any and all of the following incidents involving Culton: 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. Culton shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.
5. Culton shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Culton in another jurisdiction or by

another governmental agency in this state within the five (5) business days after Culton receives notification of the initiation of such administrative action.

6. The special conditions listed in paragraphs 1 through 5 will expire upon the earlier of expiration, lapse, termination, revocation, or renewal of Culton's resident insurance producer license, whichever occurs first.

IT IS FURTHER ORDERED that, for five (5) years subsequent to the date that Donald M. Culton is issued a resident producer license, Donald M. Culton will voluntarily surrender his resident insurance producer license to the Department within five (5) business days of Culton entering a guilty plea, entering a nolo contendere plea or *Alford* plea, being found guilty, or being convicted of a felony, regardless of whether the sentence is suspended or executed.

IT IS FURTHER ORDERED that if Donald M. Culton fully complies with the terms of this Consent Order, Chapters 374 and 375, and the regulations promulgated pursuant thereto, Culton may apply to renew his resident insurance producer license, and the Director shall consider Culton's renewal application in accordance with Chapters 374 and 375 without regard to Culton's prior felony convictions in *State v. Donald Culton*, Jefferson Co. Cir. Ct., Case No. 23CR199-0160-FX-J2, *State v. Donald Culton*, Jefferson Co. Cir. Ct., Case No. 23CR199-0636-FX-J2, and *State v. Donald Emmanuel Culton*, Jefferson Co. Cir. Ct., Case No. 11JE-CR01583-01, or the underlying conduct.

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 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 _____
DAY OF December 31, 2018.

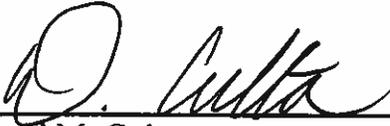


A handwritten signature in blue ink, which reads 'Chlora Lindley-Myers'. The signature is written in a cursive style and is positioned above a horizontal line.

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 Donald M. Culton may have a right to a hearing but that Donald M. Culton waives the hearing and consents to the issuance of this Consent Order.



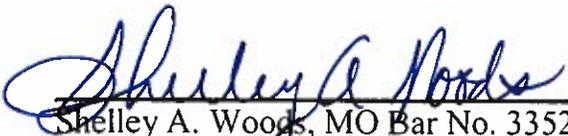
Donald M. Culton
909 N. Ponca Dr.
Independence, Missouri 64056
Applicant

12-16-18
Date

~~_____
Counsel for Applicant
Name: _____
Missouri Bar No.: _____
Address: _____

Telephone: _____
Facsimile: _____
Email: _____~~

Date



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12/26/2018
Date