



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

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

In the Matter of:

Heather N. Flood,

Respondent.

)  
)  
)  
)  
)

Case No. 12-0521415C

**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 Heather N. Flood, 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,<sup>1</sup> 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

---

<sup>1</sup> 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 February 4, 2003, Heather N. Flood ("Flood") pleaded guilty to a Class B Felony of Attempted Manufacturing of a Controlled Substance in violation of § 195.211 RSMo (2000). *State v. Heather Nicole Sutberry*, Lincoln Co. Cir. Ct., No. 03-CR858086-01.

4. On or about February 4, 2003, the court sentenced Flood to the custody of the Department of Corrections for a period of seven years.

5. Flood received a suspended execution of sentence, and the court placed her on probation for a period of five years.

6. On November 18, 2004, the court revoked Flood's probation and ordered incarceration for 120 days.

7. On March 19, 2005, the court suspended execution on the remainder of Flood's sentence and released her from incarceration, placing Flood on probation for a period of five years. On May 4, 2009, Flood received her discharge from probation.

8. On or about March 22, 2012, Flood submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

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

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

11. 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, Flood 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 Flood's license.

12. Flood stipulates and agrees to waive any waivable rights that she 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.

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

#### **Conclusions of Law**

14. The actions admitted by Flood may be grounds to refuse her Missouri motor vehicle extended service producer license application pursuant to § 385.209.1(5).

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

16. 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 Heather N. Flood subject to the conditions set forth herein.

IT IS ORDERED that Heather N. Flood shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to her by the Department or a consumer within five business days of receipt. Flood 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 Flood by the Department, Flood shall send a copy of the complaint and Flood's response to the consumer within five business days of receipt.

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

IT IS ORDERED that Heather N. Flood 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 Heather N. Flood maintains her motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Flood may apply to renew her license and the Director shall consider the renewal application in accordance with Chapters 374, 375, and 385 without regard to Flood's prior felony or the underlying conduct in *State v. Heather Nicole Sutberry*, Lincoln Co. Cir. Ct., No. 03-CR858086-01.

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, of failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 2<sup>ND</sup> DAY  
OF JULY, 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 Heather N. Flood may have a right to a hearing, but that Heather N. Flood has waived the hearing and consented to the issuance of this Consent Order.

Heather N. Flood

Heather N. Flood  
1517 Dartmouth Dr.  
St. Charles, MO 63303  
Respondent

6-19-12  
Date

\_\_\_\_\_  
Counsel for Respondent  
Name: \_\_\_\_\_  
Missouri Bar No. \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_

\_\_\_\_\_  
Date

Kristen E. Paulsmeyer

Kristen E. Paulsmeyer  
Counsel for Consumer Affairs Division  
Missouri Bar No. 56458  
Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: (573) 751-2619  
Facsimile: (573) 526-5492

6/22/12  
Date