



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

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

In the Matter of:

Tye C. Garcia,

Applicant.

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Case No. 12-0919534C

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 legal counsel Kevin V. Spear, and Applicant Tye C. Garcia, 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 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 the insurance laws of this state and is

¹ All statutory references are to the 2011 Supplement to the Revised Statutes of Missouri unless otherwise noted.

authorized by the Director to investigate and to recommend enforcement action for violations of the insurance laws of this state.

3. On August 27, 2012, the Department received a Uniform Application for Individual Producer License/Registration ("Application") from Tye C. Garcia ("Garcia").

4. On June 20, 2005, Garcia pleaded guilty to one count of Possession of a Controlled Substance with Intent to Distribute, a Class B Felony, in violation of § 195.211 RSMo, and one count of Possession of Drug Paraphernalia with intent to Use, a Class A Misdemeanor, in violation of § 195.233. The court sentenced Garcia to five years in the custody of the Missouri Department of Corrections on count one and 120 days in the Jackson County Department of Corrections on count two. The court suspended the execution of those sentences and placed Garcia on five years' probation. *State of Missouri v. Tye C. Garcia*, Jackson Co. Cir. Ct., Case No. 0516-CR00380-01.

5. On June 4, 2008, Garcia's Probation and Parole officer Beth Winningham wrote a letter to Jackson County Circuit Court Judge Vernon E. Scoville III, requesting that the court consider an early discharge for Garcia. On June 10, 2008, Garcia was granted an early discharge from probation.

6. On September 1, 2009, the Circuit Court of Jackson County issued a Child Support Order requiring Garcia to pay \$417.00 per month. As of August 23, 2012, Garcia is fully compliant with that Order. *Tye Garcia v. Anna Lauver*, Jackson Co. Cir. Ct., No. 0816-FC01886.

7. Garcia acknowledges and understands that pursuant to § 375.141.1(6) the Director may refuse to issue an insurance producer license to Garcia because Garcia has been convicted of a felony.

8. Garcia 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. 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, Garcia 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 Garcia's license.

10. Garcia 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 Director has grounds to refuse Garcia's insurance producer license application pursuant to § 375.141.1(6).

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

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 an insurance producer license to Tye C. Garcia, subject to the conditions set forth herein.

IT IS ORDERED that Tye C. Garcia shall report to the Department of Insurance, Financial Institutions and Professional Registration any arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or crime of moral turpitude within five business days of such arrest, citation, plea or finding.

IT IS ORDERED that for five years subsequent to the date of this executed Consent Order, Tye C. Garcia will voluntarily surrender his license to the Department within five business days of Garcia'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 Tye C. Garcia shall report to the Department of Insurance, Financial Institutions and Professional Registration any violation of or failure to comply with the laws set forth in Chapters 374 and 375, RSMo within five business days of such violation or failure to comply.

IT IS ORDERED that Tye C. Garcia shall report to the Department any administrative action taken against Garcia in another jurisdiction or by another governmental agency in this state within five business days after he receives notification of the initiation of such administrative action.

IT IS ORDERED that Tye C. Garcia 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. Garcia 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 Garcia by the Department, Garcia shall send the Department, within five business days of receipt, a copy of the complaint along with Garcia's responses to the consumer.

IT IS ORDERED that Tye C. Garcia shall maintain full compliance with child support obligations as required by all court and administrative orders.

IT IS ORDERED that Tye C. Garcia acknowledges and agrees that if at any time he fails to timely make any child support payment required under the conditions of the order entered in *Tye Garcia v. Anna Lauver*, Jackson Co. Cir. Ct., No. 0816-FC01886, or required by any court or administrative body, then Garcia will be deemed to have failed to satisfy the conditions of this Consent Order and such failure shall be grounds for discipline of his insurance producer license.

IT IS ORDERED that Tye C. Garcia, by signing this Consent Order, authorizes the Department to obtain from the Missouri Department of Social Services, Family Support Division, records of Garcia's payment history showing compliance or non-compliance with his child support obligations. Garcia agrees that he intends his signature below as a release of such records to the Department.

IT IS ORDERED that if Tye C. Garcia maintains his insurance producer license beyond the initial term and complies with the terms of this Consent Order, Garcia may apply to renew his license and the Director shall consider the renewal application in accordance with Chapters 374 and 375 without regard to the underlying conviction contained in this Consent Order.

IT IS ORDERED that if Tye C. Garcia violates or otherwise fails to comply with the terms and conditions of this Consent Order, the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374 and 375 RSMo.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 15TH DAY OF NOVEMBER, 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 Tye C. Garcia may have the right to a hearing, but that Tye C. Garcia has waived the hearing and consented to the issuance of this Consent Order.

Tye Garcia
Tye C. Garcia
1351 S.W. Heartwood Drive
Lee's Summit, Missouri 64081

10-29-12
Date

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

Telephone: _____

Date

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11-1-12
Date