



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

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

In the Matter of:

Justin Andrew Green

Respondent.

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Case No. 12-0327317C

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 Justin Andrew Green, 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.

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

2. The Department's Consumer Affairs Division ("Division") has the duty of conducting investigations into the acts of motor vehicle extended service contract producers 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. In September 2003, Justin Andrew Green ("Green") pleaded guilty to the Class C Felony of Possession of a Controlled Substance in violation of § 195.202. *State v. Justin Andrew Green*, St. Charles Co. Cir. Ct., 03CR126765-01.

4. Green received a suspended imposition of sentence, and the court placed him on probation for a period of five years.

5. On or about November 5, 2008, Green's probation was revoked, and he was sentenced to five years in the custody of the Department of Corrections.

6. In 2009, the court suspended the execution of Green's sentence and placed Green on probation for a period of five years.

7. Green's probation is scheduled to be completed in 2014.

8. Green acknowledges and understands that should he fail to complete the terms of that probation, under § 385.209.1(5), the Director may refuse or discipline Green's motor vehicle extended service contract producer license. *State v. Justin Andrew Green*, St. Charles Co. Cir. Ct., 03CR126765-01.

9. On or about December 13, 2011, Green submitted an Application for Motor Vehicle Extended Service Contract Producer License ("Application") to the Department.

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

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

12. 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, Green 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 Green's license.

13. Green 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.

14. 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

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

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

17. 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 Justin Andrew Green subject to the conditions set forth herein.

IT IS ORDERED that Justin Andrew Green 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. Green 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 Green by the Department, Green shall send a copy of the complaint and Green's response to the consumer within five business days of receipt.

IT IS ORDERED that Justin Andrew Green shall maintain full compliance with all court orders and other requirements relating to *State v. Justin Andrew Green*, St. Charles Co. Cir. Ct., 03CR126765-01. Green shall sign and submit a Statement of Compliance to the Director within 30 days of his completion of probation. Should Green fail to successfully complete probation, Green shall notify the Consumer Affairs Division within five days of the dismissal from or revocation of probation and notify the Consumer Affairs Division of the consequences of such failure, dismissal or revocation.

IT IS ORDERED that Justin Andrew Green shall execute and submit any necessary documents to provide the Department access to Green's probation and court records, including access to any chemical test results.

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

IT IS ORDERED that Justin Andrew Green 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 Justin Andrew Green maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Green 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 Green's prior felony or the underlying conduct in *State v. Justin Andrew Green*, St. Charles Co. Cir. Ct., 03CR126765-01.

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 22ND 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 Justin Andrew Green may have a right to a hearing, but that Justin Andrew Green has waived the hearing and consented to the issuance of this Consent Order.


Justin Andrew Green
1 Southwood Drive
St. Peters, MO 63376
Respondent

5/5/2012
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
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492

5/21/12
Date

Missouri Department of Insurance, Financial
Institutions and Professional Registration
Attn: Legal Section
301 West High Street, Room 530
Jefferson City, Missouri 65101

RE: Statement of Compliance
***State v. Justin Andrew Green*, St. Charles Co. Cir. Ct., 03CR126765-01.**
Case No. 12-0327317C

I, Justin Andrew Green, hereby truthfully state under penalty of perjury, that I
successfully completed the probation associated with *State v. Justin Andrew Green*, St. Charles
Co. Cir. Ct., 03CR126765-01, on _____, 20_____.

Signed: _____
Justin Andrew Green Date _____

In witness whereof I have hereunto subscribed my name and affixed my official seal this
____ day of _____, 20_____.

Notary

My commission expires: _____