

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

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

IN RE:)
))
 HAROLD DAVID NATIONS,) **Case No. 180223346C**
))
))
 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 Mark J. Rachel, and Harold David Nations have reached a settlement in this matter and have agreed to the issuance of this Consent Order.

FINDINGS OF FACT

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, RSMo¹ include the licensure, supervision, and discipline of insurance producers.

2. The Consumer Affairs Division of the Department (the “Division”) has the duty of conducting investigations into the qualifications of insurance producer license applicants and

¹ All civil statutory references are to the 2016 Missouri Revised Statutes.

has been authorized by the Director to initiate actions before her to enforce the insurance laws of Missouri, including insurance producer license application refusal.

3. On August 3, 2015 and March 22, 2016, the Taney County Circuit Court entered orders imposing a child support obligation upon Applicant Harold David Nations (“Nations”). *See Nations v. Nations*, Taney Co. Cir. Ct., Case No. 15AF-CC00191 (“*Nations I*”).

4. On November 17, 2016 and March 2, 2017, the court found that Nations had failed to comply with the terms of his child support obligation as ordered. *See id.*

5. Nations’s child support obligation is currently in arrears. *See Missouri Dep’t of Soc. Servs., Family Support Div., Case No. 91596043.*

6. On January 24, 2017, the Arkansas Supreme Court Committee on Professional Conduct issued an order finding that Nations had violated Arkansas Rules of Professional Conduct 3.4(c) and 5.5(a) by engaging in the unauthorized practice of law while his bar license was suspended for having failed to complete continuing legal education. *In re Harold David “H.D.” Nations*, CPC Docket No. 2016-157 (“*Nations II*”).

7. Also on January 24, 2017, the Arkansas Supreme Court Committee on Professional Conduct issued an order finding that Nations had violated Arkansas Rules of Professional Conduct 1.3, 1.16(d), 8.4(c), and 8.4(d) when, “after receiving \$2,500 ... which included his legal fee and any court fees for the court work to be done ... Nations failed to file anything in [his client’s] case, abandoned her as a client, [] failed to account ... for his use of the[] funds and failed to refund the unearned portion of his fee[.]” The Committee further found that Nations made two false statements to the same client when first he purported to transfer the fee to another lawyer who would succeed him in the matter, and then later when he promised to refund the money but didn’t. *In re Harold David “H.D.” Nations*, CPC Docket No. 2016-151

(“*Nations III*”).

8. On May 2, 2017, the Missouri Supreme Court disbarred Nations for violating Missouri Supreme Court Rules 4-1.3, 4-1.4, 4-1.5, 4-1.15, 4-8.1(c), and 4-8.4(c). *In re Harold David Nations*, Mo. Supreme Ct., Case No. SC 96175 (“*Nations IV*”).

9. On January 26, 2018, the Department received Nations’s Uniform Application for Individual Producer License/Registration (“Application”).

10. Nations disclosed his child support delinquency and bar disciplinary actions on the Application, as required.

11. Nations understands and agrees that pursuant to § 375.141.1(8) the Director may refuse to issue Nations a resident insurance producer license because he demonstrated incompetence, untrustworthiness, or financial irresponsibility in the practice of law.

12. Nations understands and agrees that pursuant to § 375.141.1(13) the Director may refuse to issue Nations a resident insurance producer license because he failed to comply with a court order imposing a child support obligation.

13. Nations stipulates and agrees to waive any waivable rights that he may have to a hearing before the Administrative Hearing Commission or 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 Division, the Director, and her agents from all liability and claims arising out of, pertaining to, or relating to this matter.

14. Nations acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other jurisdictions. Nations further acknowledges and understands that this administrative action should be disclosed on future license applications and renewal applications in this state and elsewhere, and that it is his

responsibility to comply with the reporting requirements of each jurisdiction in which he may be licensed.

15. All signatories to this Consent Order certify by signing that they are fully authorized, in their own capacities, or by the named parties they represent, to accept the terms and provisions of this Consent Order in their entirety and agree, in their personal or representative capacities, to be bound by the terms of this Consent Order.

CONCLUSIONS OF LAW

16. Section 375.141.1 provides, in relevant part:

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:

* * *

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere; [or]

* * *

(13) Failing to comply with an administrative or court order imposing a child support obligation[.]

17. In a licensing context, “incompetence” is the “state of being ... unable or unwilling to function properly as a” professional. *Albanna v. Bd. of Healing Arts*, 293 S.W.3d 423, 436 (Mo. banc 2009).

18. Arkansas Rule of Professional Conduct 1.3 and Missouri Supreme Court Rule 4-1.3 each mandate that “A lawyer shall act with reasonable diligence and promptness in representing a client.”

19. Arkansas Rule of Professional Conduct 1.16(d) provides, in relevant part: “Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client’s interests, such as ... refunding any advance payment of fee or expense that has

not been earned or incurred.”

20. Arkansas Rule of Professional Conduct 5.5(a) commands: “A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.”

21. Arkansas Rule of Professional Conduct 8.4 and Missouri Supreme Court Rule 4-8.4 each provide, in relevant part:

It is professional misconduct for a lawyer to:

* * *

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation[; or]

(d) engage in conduct that is prejudicial to the administration of justice[.]

22. The foregoing facts hereby admitted by Nations constitute cause for the Director to refuse his Application pursuant to § 375.141.1(8) and (13).

23. 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.

24. The terms set forth in this Consent Order are an appropriate disposition of this matter and issuance of this Consent Order is in the public interest.

ORDER

IT IS ORDERED that the Department will issue a resident insurance producer license to Harold David Nations, subject to the findings and conclusions set forth herein and the following special conditions:

1. Dustin M. Kirkman agrees to supervise Harold David Nations and ensure his compliance with Missouri insurance laws and regulations.

2. Dustin M. Kirkman also agrees to supervise Harold David Nations’s compliance

with the terms of this Consent Order. Dustin M. Kirkman agrees to report any violation of the terms of this Consent Order to the Consumer Affairs Division within five (5) business days of first becoming aware of any violation, and shall maintain a system of procedures reasonably designed to detect any failure by Harold David Nations to comply with the terms of this Consent Order.

3. Dustin M. Kirkman shall notify the Department within five (5) business days of any change to his status as the supervisor of Harold David Nations.

4. Dustin M. Kirkman shall respond to all inquiries from the Consumer Affairs Division in accordance with 20 CSR 100-4.100.

5. Harold David Nations shall report to Dustin M. Kirkman and the Consumer Affairs Division any violation of or failure to comply with Missouri insurance laws and regulations, including those set forth in Chapters 374 and 375, within five (5) business days of such violation or failure to comply.

6. Harold David Nations shall respond to all inquiries from the Consumer Affairs Division in accordance with 20 CSR 100-4.100.

7. If a consumer complaint is communicated directly to Harold David Nations, he shall send the Consumer Affairs Division a copy of the complaint and a copy of his response to the consumer within five (5) business days of receipt of the consumer complaint.

8. Harold David Nations shall report to the Consumer Affairs Division any administrative action initiated against him by any other state or federal governmental agency in Missouri or any other jurisdiction within five (5) business days after Nations receives notification of the initiation of such administrative action.

9. Harold David Nations shall remain in compliance with the child support

obligation imposed by the court in *Nations v. Nations*, Taney Co. Cir. Ct., Case No. 15AF-CC00191, or, as may be relevant, any repayment agreement or modification. Harold David Nations's compliance with this child support obligation shall be determined in the sole discretion of the Missouri Department of Social Services, Family Support Division, or any successor entity that may assume responsibility for monitoring his compliance pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, § 452.700, RSMo *et seq.*

10. The special conditions listed in the immediately preceding nine (9) paragraphs shall expire upon the expiration, lapse, termination, revocation, or renewal of Harold David Nations's resident insurance producer license, whichever occurs first.

IT IS FURTHER ORDERED that if Harold David Nations fully complies with the terms and conditions of this Consent Order, he may apply to renew his resident insurance producer license and the Director shall consider any renewal application in accordance with Chapters 374 and 375, but without regard to the proceedings of *Nations I*, *Nations II*, *Nations III*, *Nations IV*, or his conduct related to any of those matters.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies as she may determine appropriate and without limitation, as authorized by Chapters 374 and 375, including remedies for violating or failing to comply with the terms and conditions of this Consent Order.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 1st DAY OF

May, 2018.



Chlora Lindley Myers

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 Harold David Nations has the right to a hearing, but that Harold David Nations has waived the hearing and agreed to the issuance of this Consent Order.

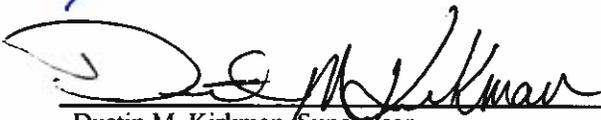


Harold David Nations, Applicant
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4/24/18
Date

_____, Missouri Bar # _____
Counsel for Applicant
Address: _____
Telephone: _____
Facsimile: _____
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Date



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4/24/18
Date

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1 May 2018
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