



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

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

RECEIVED

MAR 19 2013

In the Matter of: )

Jeremy Hanebrink, )

Applicant. )

Case No. 176072

MO. DEPT OF INSURANCE,  
FINANCIAL INSTITUTIONS &  
PROFESSIONAL REGISTRATION

**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 Andy Heitmann, and Jeremy Hanebrink, 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 2012 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. Jeremy Hanebrink, ("Hanebrink") is a Missouri resident with a residential address of record of 1106 Olive Street, St. Charles, Missouri, 63301.

4. On or about October 18, 2005, Hanebrink knowingly entered two different inhabitable structures for the purpose of committing stealing.

5. On January 19, 2006, Hanebrink pled guilty in the Lincoln County Circuit Court to one count of the Class B Felony of Burglary in the First Degree under § 569.160, RSMo, and one count of the Class C Felony of Burglary in the Second Degree under 569.170, RSMo. *State of Missouri v. Jeremy Hanebrink*, Lincoln Co. Cir. Ct., No. 05L6-CR01689-01.

6. On January 19, 2006, the court granted Hanebrink a suspended imposition of sentence and gave Hanebrink five (5) years' probation.

7. On February 7, 2007, Hanebrink confessed and stipulated to having violated the terms of his probation. The court revoked Hanebrink's original probation and sentenced Hanebrink to eight (8) years' incarceration but suspended execution of the sentence and placed Hanebrink on an additional five (5) years' probation.

8. Hanebrink successfully completed his probation and was discharged from supervision by the Missouri Board of Probation and Parole on February 5, 2012.

9. On July 5, 2012, the Department received Hanebrink's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

10. Background Question No. 1 of the Application asks the following:

Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license or juvenile offenses. "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

"Had a judgement withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt is made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an "SIS" or "SES").

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment[.]

11. Hanebrink marked "Yes" to Question No. 1. With his Application, Hanebrink included a written statement describing various factors that he felt contributed to his decisions to break the law, including his youth at the time, and assuring the Director of his subsequent rehabilitation.

12. Upon request by the Department investigator handling the Application, Hanebrink also provided certified copies of the Felony Information, the Petition to Enter Plea of Guilty, the Notice of Court Action through which the court entered the suspended imposition of sentence and granted the original term of probation, the Notice of Court Action under which the court entered the suspended execution of sentence and granted the additional term of probation, and the Confession and Stipulation of Probation Violation. *State of Missouri v. Jeremy Hanebrink*, Lincoln Co. Cir. Ct., No. 05L6-CR01689-01.

13. Hanebrink also provided the Department's investigator with an Order of Probation Amended, a letter from the Board of Probation and Parole to Hanebrink confirming his discharge from probation, a letter of recommendation on Hanebrink's behalf from Hanebrink's probation officer, a letter of recommendation on Hanebrink's behalf from Kyle McEvoy, President of Hanebrink's employer, Consumer Protection Direct, Inc., and a letter on Hanebrink's behalf purporting to be from two of the victims of his 2005 burglaries.

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

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

16. Hanebrink 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 Director and his agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

17. Upon Hanebrink's licensure, Kyle McEvoy, motor vehicle extended service contract producer number 8087793, will directly supervise Hanebrink in his employment at Consumer Protection Direct Inc. d/b/a National Vehicle Headquarters, including supervising Hanebrink in activities for which a motor vehicle extended service contract producer is required by Missouri law.

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

### **Conclusions of Law**

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

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

21. 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 Jeremy Hanebrink under the conditions set forth herein.

IT IS ORDERED that Jeremy Hanebrink 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. Hanebrink shall report in writing all consumer complaints, both written and oral, to the Consumer Affairs Division of the Department, within five business days of receipt. If a complaint was not communicated to Hanebrink by the Department, Hanebrink shall send the Department a copy of the complaint and Hanebrink's response to the consumer within five business days of receipt.

IT IS ORDERED that Jeremy Hanebrink shall report to the Consumer Affairs Division any and all of the following incidents involving Hanebrink: arrest, citation, guilty plea, nolo

contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Hanebrink 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, or until such later date as may be agreed between the parties in a subsequent agreement, Jeremy Hanebrink will voluntarily surrender his license to the Department within five business days of Hanebrink'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 Jeremy Hanebrink shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Hanebrink in another jurisdiction or by another governmental agency in this state within five business days after Hanebrink receives notification of the initiation of such administrative action.

IT IS ORDERED that Jeremy Hanebrink 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 Jeremy Hanebrink maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, including successful completion of probation, Hanebrink may apply to renew his license and the Director shall consider the renewal application in accordance with Chapters 374, 375, and 385, and shall not refuse to renew Hanebrink's license based solely on Hanebrink's prior felony convictions described in this Consent Order, and/or the underlying conduct in *State of Missouri v. Jeremy Hanebrink*, Lincoln Co. Cir. Ct., No. 05L6-CR01689-01.

IT IS ORDERED that Kyle McEvoy, motor vehicle extended service contract producer license number 8087793, will directly supervise Hanebrink in his employment at Consumer Protection Direct Inc., including supervising Hanebrink in activities for which a motor vehicle extended service contract producer is required by Missouri law, and will act in good faith to ensure Hanebrink's compliance with the terms of this Consent Order and the laws set forth in sections 385.200 to 385.200, RSMo.

IT IS ORDERED that Kyle McEvoy, as the producer supervising Jeremy Hanebrink's compliance with the Missouri insurance laws and the terms of this Consent Order, shall notify the Department within five business days of any change to his status as Hanebrink's supervisor.

IT IS ORDERED that if Kyle McEvoy ceases to directly supervise Jeremy Hanebrink's compliance, Hanebrink will cease to engage in activities for which a motor vehicle extended service contract producer is required by Missouri law until such time as 1) another licensed motor vehicle extended service contract producer agrees to accept responsibility for supervising Hanebrink and ensuring his compliance; and 2) Hanebrink, the new supervisor and the Director all agree in writing to substitute the new supervisor under the same conditions as outlined in this Consent Order for McEvoy's supervision of Hanebrink.

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

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 21<sup>ST</sup> DAY OF MARCH, 2013.



JOHN M. HUFF

Director, Missouri Department of Insurance,  
Financial Institutions and Professional  
Registration

**CONSENT AND WAIVER OF HEARING**

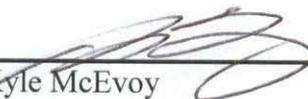
The undersigned persons understand and acknowledge that Jeremy Hanebrink may have a right to a hearing, but that Jeremy Hanebrink has waived the hearing and consented to the issuance of this Consent Order.

  
\_\_\_\_\_  
Jeremy Hanebrink  
1106 Olive Street  
St. Charles, Missouri 63301  
Respondent

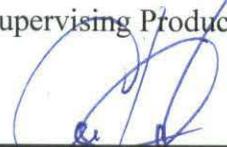
03/15/2013  
Date

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

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kyle McEvoy  
4358 McPherson  
St. Louis, Missouri 63108  
Supervising Producer

3/15/13  
Date

  
\_\_\_\_\_  
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3/19/13  
Date