



DEPARTMENT OF COMMERCE AND INSURANCE

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

RECEIVED
APR 03 2020

IN RE:)
)
THOMAS FRANCIS HEIDENREICH,)
)
Applicant.)

MISSOURI DEPARTMENT OF
COMMERCE AND INSURANCE
Case No. 1906120866C

CONSENT ORDER

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. The Consumer Affairs Division of the Department’s Insurance Division, through counsel Joshua A. Wille, and Applicant Thomas Francis Heidenreich 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 Commerce and Insurance (“Director” of the “Department”) whose duties, pursuant to Chapters 374, 375, and 385, RSMo (2016)¹ include the supervision, regulation, and discipline of motor vehicle extended service contract (“MVESC”) producers and

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

insurance producers.

2. The Consumer Affairs Division (“Division”) of the Department has the duty of conducting investigations into the conduct of insurance producers pursuant to the laws of Missouri and has been authorized by the Director to investigate and initiate actions to enforce the insurance laws of Missouri, including insurance producer license refusal.

3. Thomas Francis Heidenreich (“Heidenreich”) is a Missouri resident with a residential, business, and mailing address of record of 26 Silverdale Court, St. Charles, MO 63303.

4. On April 17, 2019, Heidenreich filed his electronic Uniform Application for Individual Producer License/Registration (“Application”), with attachments.

5. Background Information Question Number 1B on the Application asks, in relevant part, “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?”

6. Heidenreich answered “Yes” to Background Information Question Number 1B.

7. Heidenreich provided a letter of explanation with his Application along with documentation regarding his criminal history, which included the following:

- a. On January 7, 2016, Heidenreich pleaded guilty to the Class D Felony of Driving While Intoxicated as a Persistent Offender in violation of § 577.010.²
State v. Thomas Francis Heidenreich, Case No. 1511-CR0310 (St. Charles

² This and all other criminal statutory citations are to the version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

Cnty. Cir. Ct.). The court sentenced Heidenreich to three years' confinement but suspended execution of his sentence and placed him on five years' supervised probation. In 2018 Heidenreich admitted to violating the terms of his probation, but the court did not revoke it. Heidenreich completed his probation on December 18, 2018.

8. Heidenreich was licensed as an MVESC producer under Chapter 385 during the pendency of his felony proceeding. This license expired on April 10, 2017.

9. In violation of § 385.209.7 (an MVESC statute), Heidenreich did not report his felony proceeding to the Director within 30 days of the initial pretrial hearing date or arraignment.

10. Heidenreich understands and agrees that pursuant to § 375.141.1(2), the Director may refuse Heidenreich's insurance producer license because he violated § 385.209.7 by not reporting his prosecution for Driving While Intoxicated as a Persistent Offender within thirty days of the initial pretrial hearing date or arraignment. *See State v. Thomas Francis Heidenreich*, Case No. 1511-CR0310 (St. Charles Cnty. Cir. Ct.).

11. Heidenreich understands and agrees that pursuant to § 375.141.1(6) the Director may refuse Heidenreich's insurance producer license because he has been convicted of a felony, specifically Driving While Intoxicated as a Persistent Offender. *See State v. Thomas Francis Heidenreich*, Case No. 1511-CR0310 (St. Charles Cnty. Cir. Ct.).

12. Heidenreich and the Division desire to settle the allegations raised by the Division.

13. Heidenreich acknowledges and understands that he has the right to consult

an attorney regarding these matters.

14. Heidenreich stipulates and agrees to waive any 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, her agents, and the Division from all liability and claims arising out of, pertaining to, or relating to this matter.

15. Heidenreich acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other jurisdictions. Heidenreich further acknowledges and understands that this administrative action should be disclosed on future license applications and renewal applications in this state and in other jurisdictions, and that it is his responsibility to comply with the reporting requirements of each jurisdiction in which he may be licensed.

16. 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

17. 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:

* * *

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state; [or]

* * *

(6) Having been convicted of a felony or crime involving moral turpitude

18. The facts hereby admitted by Heidenreich constitute cause to refuse his insurance producer license pursuant to § 375.141.1(2).

19. The facts hereby admitted by Heidenreich constitute cause to refuse his insurance producer license pursuant to § 375.141.1(6)

20. 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.

21. 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 THEREFORE ORDERED that Department will issue a resident individual insurance producer license to Heidenreich, subject to the conditions set forth herein:

1. Heidenreich shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or the consumer within five (5) business days of receipt.

2. Heidenreich shall report in writing all consumer complaints, both written and oral, to the Division within five (5) business days of receipt. If a complaint is not communicated to Heidenreich by the Department, Heidenreich shall send a copy of the

complaint and Heidenreich's response to the consumer to the Department within five (5) business days of receipt.

3. Heidenreich shall report to the Department any violation of or failure to comply with the laws set forth in Chapters 374 or 375 within five (5) business days of such violation or failure to comply.

4. Heidenreich shall report to the Department any administrative action taken against Heidenreich in another jurisdiction or by another governmental agency in this state within five (5) business days after he receives notification of the initiation of such administrative action.

5. Heidenreich shall report to the Department any probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or misdemeanor within five (5) business days of such occurrence.

6. The special conditions listed in the preceding five (5) paragraphs will expire upon the expiration, lapse, termination, revocation, or renewal of Heidenreich's insurance producer license, whichever comes first.

IT IS FURTHER ORDERED that for five (5) years subsequent to the date of this executed Consent Order, Heidenreich will voluntarily surrender his license to the Department within thirty (30) days of Heidenreich's entry of a guilty plea, nolo contendere plea, or finding of guilty or conviction for a felony, regardless of whether sentence is imposed, suspended, or executed.

IT IS FURTHER ORDERED that if Heidenreich maintains his insurance producer

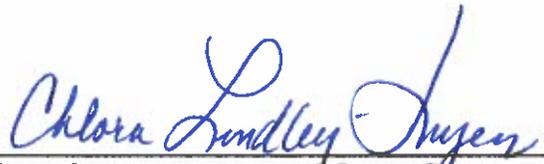
license beyond the term of this Consent Order and complies with the terms of this Consent Order, Heidenreich may apply to renew his license and the Director shall consider the renewal application in accordance with Chapters 374 and 375, and without regard to the following prior felony conviction: Driving While Intoxicated as a Persistent Offender in *State v. Thomas Francis Heidenreich*, Case No. 1511-CR0310 (St. Charles Cnty. Cir. Ct.).

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

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 10th

DAY OF April, 2020.




CHLORA LINDLEY-MYERS
Director
Missouri Department of Commerce
and Insurance

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Thomas Francis Heidenreich has the right to a hearing, but that Thomas Francis Heidenreich has waived the hearing and agreed to the issuance of this Consent Order.



Thomas Francis Heidenreich, Applicant
26 Silverdale Court
St. Charles, MO 63303
Telephone: (636) 578-9186

3-31-2020
Date

_____ Date

Counsel for Respondent
Missouri Bar
#: _____
Address _____
: _____

Telephone _____
: _____
Facsimile _____
: _____
E-mail: _____



Joshua A. Wille
Counsel for Consumer Affairs Division,
Insurance Division
Department of Commerce and Insurance
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492
Joshua.Wille@insurance.mo.gov

4-9-2020
Date