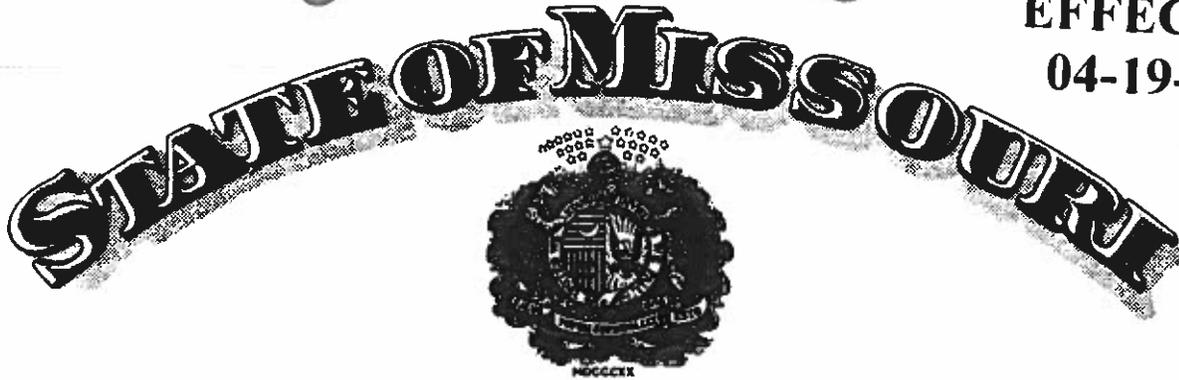


FINAL ORDER
EFFECTIVE
04-19-2018



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

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

In the Matter of:

MINDY LYNN BOYD,

Applicant.

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Case No. 170823355C

CONSENT ORDER

Chlora Lindley-Myers, 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 Cheryl C. Nield, and Applicant Mindy Lynn Boyd have reached a settlement in this matter and have consented to the issuance of this Consent Order.

1. Chlora Lindley-Myers is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration (the

“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 Chapters 374 and 375, and is authorized by the Director to investigate and to recommend enforcement action including insurance producer license application refusal.

3. Mindy Lynn Boyd (“Boyd”) is a Missouri resident with a residential address of 1205 Ada St., Kearney, Missouri 64060.

4. On April 12, 2017, the Department received Boyd’s electronic resident insurance producer license application (“Application”), along with attachments.

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

6. Boyd answered “Yes” to Background Information Question Number 1A.

7. 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?”

8. Boyd answered “Yes” to Background Information Question Number 1B.

9. Boyd provided documents with her Application that revealed the following convictions:

¹ All civil statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

a. On September 2, 2008, Boyd pled guilty to the Class A Misdemeanor of Tampering in the Second Degree, in violation of § 569.090.² *State v. Mindy L. Morris*,³ Clay Co. Cir. Ct., Case No. 07CY-CR05199. Also on September 2, 2008, the court sentenced Boyd to 70 days in the Clay County Detention Center. *Id.*

b. On December 10, 2009, Boyd pled guilty to knowingly and intentionally conspiring to possess a listed chemical, pseudoephedrine, with the intent to manufacture a controlled substance, and knowing that it would be used to manufacture a controlled substance, contrary to the provisions of Title 21 U.S.C. § 841(c)(1) and (2), and all in violation of Title 21 U.S.C. § 846, a felony pursuant to Title 18 U.S.C. § 3559. *United States of America v. Garland D. Hankins, et al.*, Case No. 4:09-cr-00157-DGK (W.D. Mo. 2009). The court sentenced Boyd to five years' probation and a \$100.00 criminal monetary penalty. *Id.*

10. Boyd acknowledges and understands that under § 375.141.1(6), the Director may refuse to issue an insurance producer license to Boyd because she has been convicted of a felony and a crime of moral turpitude.

11. Boyd acknowledges and understands that she has the right to consult counsel at her own expense.

12. Boyd stipulates and agrees to waive any waivable rights that she may have to a hearing before the Administrative Hearing Commission or the Director, and any

² Each criminal statutory citation is to that version of the statute in effect at the time of the commission of the crime.

³ In her Application, Boyd indicated that she was previously known as "Mindy Lynn Morris."

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

13. Boyd acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Boyd further acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications and that it is her responsibility to comply with the reporting requirements of each state in which she may be licensed.

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. 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:

* * *

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

16. The facts admitted herein by Boyd provide cause upon which the Director may refuse to issue a resident insurance producer license to Boyd pursuant to § 375.141.1(6).

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

18. 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 resident individual insurance producer license to Boyd, subject to the conditions set forth herein.

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

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

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

5. Boyd 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 Boyd'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, Boyd will voluntarily surrender her license to the Department within thirty (30) days of Boyd's entry of a guilty plea, nolo contendere plea, or finding of guilt or conviction for a felony, regardless of whether sentence is imposed, suspended, or executed.

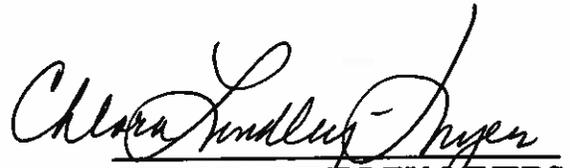
IT IS FURTHER ORDERED that if Boyd maintains her insurance producer license beyond the initial term and complies with the terms of this Consent Order, Boyd may apply to renew her license and the Director shall consider the renewal application in accordance with Chapters 374 and 375 and without regard to Boyd's prior misdemeanor and felony convictions in *State v. Mindy L. Morris*, Clay Co. Cir. Ct., Case No. 07CY-

CR05199, and *United States of America v. Garland D. Hankins, et al.*, Case No. 4:09-cr-00157-DGK (W.D. Mo. 2009).

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 19th DAY
OF April, 2018.




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 **Mindy Lynn Boyd** may have the right to a hearing, but that **Mindy Lynn Boyd** has waived the hearing and consented to the issuance of this Consent Order.

Mindy Lynn Boyd

Mindy Lynn Boyd
1205 Ada St.
Kearney, Missouri 64060
Telephone: (816) 674-3260
Applicant

4/5/18

Date

~~_____~~
Counsel for Applicant

~~Name: _____~~

~~Missouri Bar No. _____~~

~~Address: _____~~

~~Telephone: _____~~

Date

Cheryl C. Nield

Cheryl C. Nield
Counsel for Consumer Affairs Division
Missouri Bar No. 41569
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4/10/18

Date