



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

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

In Re: )  
 )  
Paul F. Holloway, ) Case No. 120215188C  
 )  
Respondent. )

**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 Mary S. Erickson, and Paul F. Holloway, through counsel James P. Martin, 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 2011 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. On June 23, 2000, Holloway pled guilty to two counts of the Class C Felony of Second Degree Statutory Sodomy, in violation of § 566.064 RSMo. On September 15, 2000, the court sentenced Holloway to five years' incarceration for each count, to be served concurrently. On January 12, 2001, the court suspended the execution of the remainder of Holloway's sentence and ordered that he begin serving five years probation. Holloway completed probation in January 2006. *State v. Paul Holloway*, St. Charles Co. Cir. Ct., Case No. 2100R-00407-01.

4. On December 2, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Holloway's Application for Motor Vehicle Extended Service Contract Producer License ("Application").

5. On April 23, 2012, the Director issued an Order Refusing to Issue Motor Vehicle Extended Contract Producer License. *In re: Paul F. Holloway*, Case No. 120215188C.

6. On May 16, 2012, Holloway filed a Motion for Reconsideration, Withdrawal of Order, and for Issuance of License with the Director. Holloway also served a copy of the Motion upon the Administrative Hearing Commission.<sup>2</sup>

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

8. Beau Reinberg, MVESC producer License No. 8088013, agrees to supervise Paul Holloway and ensure his compliance with Missouri's motor vehicle extended service contract laws and regulations.

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<sup>2</sup> The Administrative Hearing Commission then established a contested case, *Paul F. Holloway v. Director of Department of Insurance, Financial Institutions and Professional Registration*, Case No. 12-0841 DI. On May 17, 2012, the Administrative Hearing Commission sent a Notice of Hearing and set a hearing for September 5, 2012.

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

10. This Consent Order is entered pursuant to §§ 374.046, 385.216, and 536.060, and 1 CSR 15-3.431(2). 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, Holloway 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 Holloway's license.

11. Holloway 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.

12. Holloway stipulates and agrees that no party is or shall be considered or asserted to be a "prevailing party" within the meaning of § 536.087 or any other statute, rule, or other provision of law which is or may be in any way applicable hereto in connection with *Holloway v. Director of Dept. of Ins., Fin. Insts. & Prof'l Reg'n*, AHC No. 12-0841 DI (Mo. Admin. Hrg. Comm'n), and *In re: Paul F. Holloway*, Case No. 120215188C, and agrees that no award of fees or expenses has been made or will be sought in connection with these matters. Each party shall bear its own costs and attorney's fees.

13. 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

14. The actions admitted by Holloway are grounds to refuse his Missouri motor vehicle extended service contract producer license application pursuant to § 385.209.1(5).

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

16. 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 Paul F. Holloway subject to the conditions set forth herein.

IT IS ORDERED that Paul F. Holloway, and counsel for the Director, shall jointly file a Notice of Dismissal With Prejudice, attached hereto as Exhibit A, in accordance with 1 CSR 15-3.431(2)(A), and thereby dismiss with prejudice *Paul F. Holloway v. Director of Department of Insurance, Financial Institutions and Professional Registration*, Case No. 12-0841 DI.

IT IS ORDERED that Paul F. Holloway shall withdraw his Motion for Reconsideration, Withdrawal of Order, and for Issuance of License which Holloway filed with the Director in *In re: Paul F. Holloway*, Case No. 120215188C, by filing the document attached hereto as Exhibit B, with the Director.

IT IS ORDERED that Paul F. Holloway 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. Holloway 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. Holloway shall immediately report in writing all inquiries and consumer complaints, both written and oral, to Beau Reinberg, and Beau Reinberg shall also respond to the Consumer Affairs Division or consumer within five business days of receipt. If a complaint was not communicated to Holloway by the Department, Holloway shall send the Department a copy of the complaint and Holloway's and Beau Reinberg's responses to the consumer within five business days of receipt.

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

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

IT IS ORDERED that Paul F. Holloway 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 Paul F. Holloway maintains his motor vehicle extended service contract producer license beyond the initial term and complies with the terms of this Consent Order, Holloway 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 Holloway's prior felony, or the underlying conduct, in *State v. Paul Holloway*, St. Charles Co. Cir. Ct., Case No. 2100R-00407-01.

IT IS ORDERED that Paul F. Holloway shall maintain compliance with all requirements of the Missouri Sex Offender Registration Program, §§ 589.400-589.426. For the duration of the period for which he is licensed as a motor vehicle extended service contract producer, Paul F. Holloway will voluntarily surrender his license to the Department within 30 days of Holloway's failure to comply with any requirement of the Sex Offender Registration Program, §§ 589.400-589.426.

IT IS ORDERED that Paul F. Holloway shall not offer, sell, or solicit any motor vehicle extended service contract in person.

IT IS ORDERED that Beau Reinberg, MVESC producer License No. 8088013, shall supervise Paul F. Holloway's compliance with the terms of this Consent Order and report any

violations of the terms of this Consent Order to the Consumer Affairs Division within five business days of first becoming aware of such violation, shall maintain a system of procedures reasonably designed to detect any failure of Paul F. Holloway to comply with this Consent Order, and shall maintain active licensure in good standing while supervising Paul F. Holloway.

IT IS ORDERED THAT Holloway shall remain exclusively associated with Carhill Enterprises, Inc., a MVESC business entity producer, License No. 8149706.

IT IS ORDERED that as of the date the Director executes this Order, the April 23, 2012 Order Refusing to Issue Motor Vehicle Extended Contract Producer License is vacated.

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.

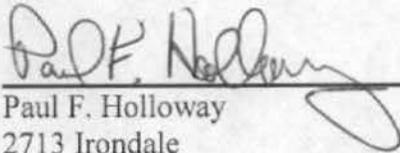
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 13<sup>th</sup> DAY OF JULY, 2012.



  
JOHN M. HUFF  
Director, Missouri Department of Insurance,  
Financial Institutions and Professional  
Registration

CONSENT AND WAIVER OF HEARING

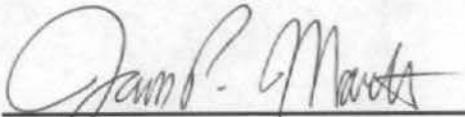
The undersigned persons understand and acknowledge that Paul F. Holloway may have a right to a hearing, but that Paul F. Holloway has waived the hearing and consented to the issuance of this Consent Order.

  
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Paul F. Holloway  
2713 Irondale  
St. Louis, Missouri 63129  
Respondent  
Telephone: (314) 894-7221

Date

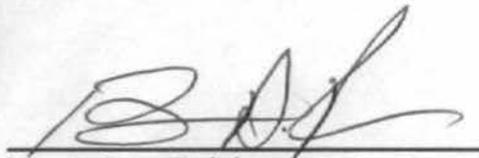
7/5/12

  
\_\_\_\_\_

James P. Martin  
Counsel for Respondent  
Missouri Bar No. 50170  
Polsinelli Shughart PC  
100 South Fourth St.  
Suite 1000  
St. Louis, MO 63102  
Telephone: (314) 889-8000  
Facsimile: (314) 231-1776

Date

7/5/12

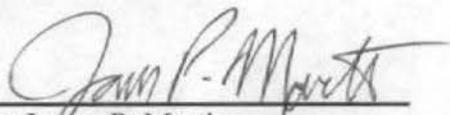


Name: Beau Reinberg  
Supervising MVESC Producer  
MVESC Producer License No: 8088013

Address: 1232 Washington Ave  
Ste 300 St. Louis, MO 63103

Telephone: 573-673-1191

7/5/12  
Date

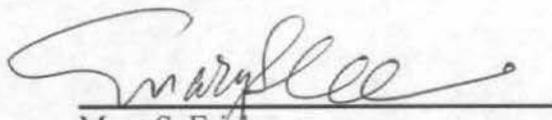


Name: James P. Martin  
Counsel for Supervising MVESC Producer  
Missouri Bar No. 50170

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7/5/12  
Date



Mary S. Erickson  
Counsel for Consumer Affairs Division  
Missouri Bar No. 42579  
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

7/10/12  
Date

BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

PAUL F. HOLLOWAY,

Petitioner,

vs.

DIRECTOR OF THE DEPARTMENT  
OF INSURANCE, FINANCIAL  
INSTITUTIONS AND PROFESSIONAL  
REGISTRATION,

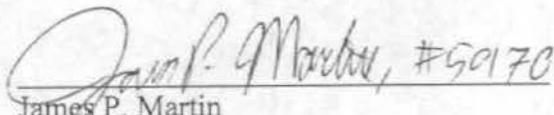
Respondent.

Case No. 12-0841 DI

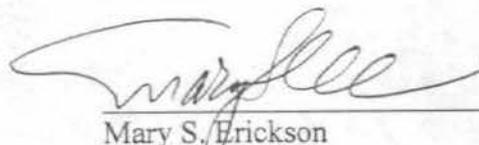
DISMISSAL WITH PREJUDICE

Petitioner Paul F. Holloway, and Respondent Director of the Department of Insurance, Financial Institutions and Professional Registration hereby agree and request the Administrative Hearing Commission dismiss this matter with prejudice.

Respectfully submitted,

 #50170

James P. Martin  
Counsel for Respondent Paul F. Holloway  
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STATE OF MISSOURI  
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION

IN RE: )  
 )  
 Paul F. Holloway, ) Case No. 120215188C  
 )  
 Applicant. )

WITHDRAWAL OF MOTION FOR RECONSIDERATION,  
WITHDRWAL OF ORDER, AND FOR ISSUSANCE OF LICENSE

Applicant, Paul F. Holloway, through counsel, hereby withdraws the Motion for Reconsideration, Withdrawal of Order, and for Issuance of License he filed with the Director on or about May 16, 2012.

Respectfully,

 #50170

James P. Martin  
Counsel for Respondent Paul F. Holloway  
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F: (314) 231-1776  
jmartin@polsinelli.com

CERTIFICATE OF SERVICE

I hereby certify that on this 5<sup>th</sup> day of July, 2012 a copy of the foregoing was served upon the following by U.S. Mail:

Mary S. Erickson  
Counsel for Director John M. Huff  
Missouri Department of Insurance,  
Financial Institutions and Professional  
Registration  
Jefferson City, Missouri 65101

