

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

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

In the Matter of:

RICHARD G. SMYTH,

Respondent.

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Case No. 161018454C

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 counsel John M. A. Conrace, and Richard G. Smyth 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 (“Director” of the “Department”), whose duties, pursuant to Chapters 374, and 375, RSMo¹, include the supervision, regulation, and discipline of insurance producers.

¹ All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement, unless otherwise noted.

2. The Consumer Affairs Division (“Division”) of the Department has the duty of conducting investigations into the qualifications of insurance producer license applicants under the insurance laws of this state and has been authorized by the Director to investigate and initiate actions before the Director to enforce the insurance laws of this state, including insurance producer license application refusals.

3. On January 6, 2007, Richard G. Smyth (“Smyth”) pled guilty to, and was convicted of, Possession of a Controlled Substance Except 35 Grams Or Less of Marijuana, a Class C Felony, in violation of § 195.202 RSMo.² *State v. Richard G. Smyth*, Vernon Co. Cir. Ct., Case No. 06VE-CR00606-01. The Court sentenced Smyth to seven (7) years’ incarceration but suspended execution of his sentence, ordering Smyth to complete five (5) years’ supervised probation. *Id.* The Court discharged Smyth from probation on or about February 25, 2013. *Id.*

4. On February 15, 2007, Smyth pled guilty to, and was convicted of, Unlawful Use of Drug Paraphernalia, a Class A Misdemeanor in violation of § 195.233 RSMo. *State v. Richard G. Smyth*, Vernon Co. Cir. Ct., Case No. 06VE-CR00614. The Court ordered Smyth to pay fines and fees totaling \$350. *Id.*

5. On July 14, 2016, the Department received Smyth’s completed electronic application for a resident insurance producer license (“Application”).

6. Smyth acknowledges and understands that pursuant to § 375.141.1(6), the Director may refuse to issue an insurance producer license to Smyth because he has been convicted of a felony or a crime involving moral turpitude.

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

² All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri under which the court rendered judgment.

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

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

10. 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

11. Section 375.141 provides, in part:

1. 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[.]

12. The facts admitted herein by Smyth are grounds to refuse his insurance producer license application pursuant to § 375.141.1(6).

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

14. 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 insurance producer license to Richard G. Smyth, subject to the conditions set forth herein and the following special conditions:

1. Richard G. Smyth shall report to the Consumer Affairs Division any violation of or failure to comply with Missouri insurance regulations and Missouri insurance laws, including those set forth in Chapters 374 or 375, within five (5) business days of such violation or failure to comply.

2. Richard G. Smyth shall respond to all inquiries from the Consumer Affairs Division in accordance with 20 CSR 100-4.100.

3. If a consumer complaint is communicated directly to Richard G. Smyth, Smyth shall send the Department a copy of the complaint and a copy of Smyth's response to the consumer within five (5) business days of receipt of the consumer complaint.

4. Richard G. Smyth shall report to the Consumer Affairs Division any and all of the following incidents involving Smyth: guilty plea, *Alford* plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Smyth shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

5. Richard G. Smyth shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Smyth in another jurisdiction or by another state or federal governmental agency in this state within five (5) business days after Smyth receives notification of the initiation of such administrative action.

6. The special conditions listed in paragraphs 1 through 5 immediately above will expire upon the earlier of the expiration or renewal of Richard G. Smyth's two (2) year resident insurance producer license or the refusal, surrender, or revocation of Smyth's resident insurance producer license.

IT IS FURTHER ORDERED that, for two (2) years subsequent to the date of this executed Consent Order, Richard G. Smyth will voluntarily surrender his resident insurance producer license to the Department within thirty (30) days of Smyth's entry of a guilty plea, *Alford* plea, nolo contendere plea, being found guilty, or being convicted of a felony, regardless of whether any sentence is suspended or executed.

IT IS FURTHER ORDERED that, if Richard G. Smyth maintains his resident insurance producer license and complies with the terms of this Consent Order, Smyth may apply to renew his resident insurance producer license and the Director shall consider his renewal application in accordance with Chapters 374 and 375, but without regard to Smyth's prior convictions.

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

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 23rd DAY OF August, 2017.




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 Richard G. Smyth may have a right to a hearing, but that Richard G. Smyth has waived any hearing and consented to the issuance of this Consent Order.



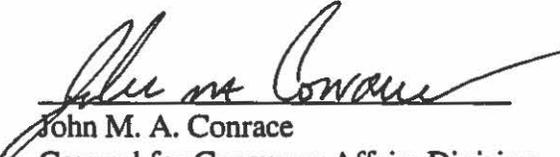
Richard G. Smyth
424, NW Whitlock Drive
Lee's Summit, Missouri 64081

8-17-17
Date

Counsel for Respondent
Name: _____
Missouri Bar No. _____
Address: _____

Telephone: _____

Date



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8-22-17
Date