



DEPARTMENT OF COMMERCE & INSURANCE

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

IN RE:

MICHAEL SELVY,

Applicant.

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Case No. 1905010718C

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, and Applicant Michael Selvy 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")¹ whose duties, pursuant to Chapters 374, and 375, RSMo (2016)² include the supervision, regulation, and discipline of 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

¹ Formerly the Department of Insurance, Financial Institutions and Professional Registration.

² All civil statutory references are to the 2016 Missouri Revised Statutes.

and has been authorized by the Director to investigate and initiate actions to enforce the insurance laws of Missouri, including producer license applicant refusal.

3. Michael Selvy (“Selvy”) is a Missouri resident with a residential, and mailing address of 710 Highland Drive, O’Fallon, Missouri, 63366.

4. On October 24, 2018, the Department received Selvy’s electronic application for an insurance producer license (“Application”), along with attachments.

5. Background Information Question Number 1B on the Application asked, 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. Selvy answered “Yes” to Background Information Question 1B. Along with his application, and through the application process, Selvy disclosed the following relevant criminal history:

- a. On December 9, 2014 Selvy pled guilty to Driving While Intoxicated - Alcohol - Aggravated Offender, a class C Felony in violation of § 577.010.³ Selvy was sentenced to 6 years’ incarceration. In lieu of incarceration the court ordered Selvy complete 5 years’ probation. Selvy completed probation on August 1, 2018. *State v. Michael William Selvy*, St. Charles Co. Cir. Ct., Case No. 1311-CR00892-01.
- b. On February 5, 2002 Selvy pled guilty to Tampering With a Motor Vehicle – 1st Degree, a class C Felony in violation of § 569.080. Upon his plea of guilty, the court sentenced Selvy to 4 years’ incarceration, suspended execution of sentence, and ordered Selvy complete with 4 years’ supervised probation. Selvy completed probation on April 15, 2007. *State v. Michael Selvy*, Lincoln Co. Cir. Ct., Case No.

³ All citations criminal statutes are to the version of the statute in effect at the time the Court rendered its decision.

45R010100398-01.

- c. On June 20, 2001 Selvy pled guilty to Possession of a Controlled Substance, a class C Felony in violation of § 195.202. On June 22, 2001, Selvy was sentenced to a period of imprisonment of three years, but the court suspended execution of Selvy's sentence, ordering Selvy to complete two years' probation. *State v. Michael W. Selvy*, Jackson Co. Cir. Ct., Case No. 16CR00000974-01.

7. Selvy understands and agrees that pursuant to § 375.141.1(6) the Director may refuse to issue an insurance producer license to Selvy because he has been convicted of a three felonies and crimes involving moral turpitude. *State v. Michael William Selvy*, St. Charles Co. Cir. Ct., Case No. 1311-CR00892-01; *State v. Michael Selvy*, Lincoln Co. Cir. Ct., Case No. 45CR101-00398-01; *State v. Michael W. Selvy*, Jackson Co. Cir. Ct., Case No. 16CR00000974-01.

8. Selvy and the Division desire to settle the allegations raised by the Division.

9. Selvy acknowledges and understands that he has the right to consult an attorney regarding these matters.

10. Selvy further acknowledges that he has been advised that he may, either at the time this Consent Order is signed by all parties or within fifteen (15) days thereafter, submit this Consent Order to the Administrative Hearing Commission for determination whether the facts agreed by the parties to this Consent Order constitute cause to refuse to issue an insurance producer license.

11. Except as provided in paragraph 11 above, Selvy 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.

12. Selvy acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other jurisdictions. Selvy 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.

13. 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

14. 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[.]

15. The facts hereby admitted by Michael Selvy constitute cause to discipline his insurance producer license pursuant to § 375.141.1(6).

16. 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.

17. 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 for the next two (2) years:

1. Michael Selvy shall report to the Consumer Affairs Division any violation of or failure to comply with insurance laws, within five (5) business days of such violation or failure to comply.
2. Michael Selvy 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 Selvy, Selvy shall send the Consumer Affairs Division a copy of such complaint and a copy of each response to the consumer within five (5) business days of receipt of the consumer complaint.
4. Michael Selvy shall report to the Consumer Affairs Division any administrative action taken against him by any other state or federal governmental agency in Missouri or any other jurisdiction within five (5) business days of receiving notice of the initiation of such administrative action.
5. Michael Selvy shall report to the Consumer Affairs Division any and all of the following incidents involving Selvy: probation violation, probation revocation, guilty plea, nolo contendere plea, *Alford* plea, finding of guilt, or conviction concerning a felony or misdemeanor. Selvy shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

IT IS FURTHER ORDERED that if Selvy fully complies with the terms of this Consent Order, he may apply to renew his licenses and the Director shall consider any renewal application in accordance with Chapters 374, and 375, but without regard to the allegations raised by the Consumer Affairs Division and detailed above.

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 violating or failing to comply with the terms and conditions of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 18th DAY OF

May, 20 20.




CHLORA LINDLEY-MYERS, Director
Missouri Department of Commerce and
Insurance

CONSENT AND WAIVER OF HEARING

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



Michael Selvy, Applicant

4-27-2020

Date

Date

Counsel for Applicant

Missouri Bar #: _____

Address: _____

Telephone: _____

Facsimile: _____

E-mail: _____

 5/6/20

Date

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