



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

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

In the Matter of:

WILLIAM H. DEVANE, III,

Applicant.

)  
)  
)  
)  
)

Case No. 13-1223678C

**CONSENT ORDER**

John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Tammy S. Kearns, and William H. DeVane, III, 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 and 375, RSMo,<sup>1</sup> include the supervision, regulation and discipline of insurance producers.

<sup>1</sup> All statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

2. The Consumer Affairs Division ("Division") of the Department has the duty of conducting investigations into the unfair or unlawful acts of insurance producers and companies 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 or about October 22, 2013, William H. DeVane, III ("DeVane") submitted an electronic application for a non-resident insurance producer license ("Application") to the Department.

4. In the section of the Application headed "Background Information," Question No. 1 asks, in relevant part: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" DeVane answered "Yes."

5. With his Application, DeVane submitted a letter explaining his felony conviction and the related court records.

6. The court records showed that on or about October 10, 1991, DeVane pleaded guilty to Burglary, a felony, in violation of 18 Pa.C.S. § 3502. The court placed DeVane on probation for five (5) years and five (5) days and ordered him to pay \$130.00 in court costs and \$600.00 in restitution. *Commonwealth of Pennsylvania v. William DeVane*, Ct. of Common Pleas of Philadelphia Co., Docket No. CP-51-CR-0937561-1991.

7. In his letter, DeVane explained that at the time of his conviction, he was addicted to drugs. He entered his neighbor's apartment through the unlocked balcony door and stole a string of pearls that he intended to sell. DeVane mistakenly believed that the pearls were fake and threw them over his balcony. Shortly thereafter, he was arrested after

reports to the local police department revealed that people had witnessed DeVane climbing across the balconies. DeVane further explained that he entered an out-patient rehabilitation program in 2000 and has been drug-free since then.

8. Also with his Application, DeVane provided a copy of a Consent Order that he signed on October 9, 2013 but had not been signed by the Alabama Commissioner of Insurance. The Consent Order, which has since become final, issued DeVane a non-resident insurance producer license and granted consent to engage in the business of insurance in Alabama under 18 U.S.C. § 1033(e)(2). *In the Matter of: William H. DeVane, III*, Case No. P-2013-113FM (October 10, 2013).

9. Due to the nature of DeVane's felony conviction, the Division asked that DeVane complete an Application for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. §§ 1033 and 1034 ("Section 1033 Application").

10. Since DeVane had submitted a Section 1033 Application to Pennsylvania on April 4, 2013 and the information contained therein had not changed, the Division agreed to accept a copy of the Section 1033 Application that DeVane had previously submitted.

11. On December 5, 2013, at the Division's request, DeVane provided a copy of the Section 1033 Application that he submitted to the Pennsylvania Insurance Department and a copy of the Consent Order issued by the Pennsylvania Insurance Commissioner that granted consent for DeVane to engage in the business of insurance in Pennsylvania under 18 U.S.C. 1033. *In re Application of William H. DeVane, III Requesting Written Consent to Engage in the Business of Insurance*, Docket No. CW13-04-003 (May 7, 2013).

12. In addition to holding a producer license in his home state of Pennsylvania, DeVane is licensed in twelve (12) other states.

13. DeVane acknowledges and understands that under § 375.141.1(6), the Director may refuse to issue a non-resident insurance producer license to DeVane because DeVane has been convicted of a felony.

14. DeVane acknowledges and understands that, pursuant to 18 U.S.C. § 1033, he is prohibited from engaging in the business of insurance in Missouri without the Director's consent because he has been convicted of a felony involving dishonesty or a breach of trust.

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

16. This Consent Order is entered pursuant to § 374.046. 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, DeVane 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 to issue DeVane an insurance producer license.

17. Except as provided in Paragraph 16 above, DeVane 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 his agents, and the Division from all liability and claims arising out of, pertaining to, or relating to this matter.

18. DeVane acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. DeVane 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 is licensed.

19. 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**

20. The facts admitted by DeVane are grounds to refuse his non-resident insurance producer license application pursuant to § 375.141.1(6).

21. Pursuant to 18 U.S.C. § 1033, the Director has discretion to grant or deny consent to DeVane to engage in the business of insurance in this state.

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

23. 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.

#### **SETTLEMENT TERMS AND ORDERS**

##### **Order Regarding Section 1033 Consent**

IT IS ORDERED that the Director, having duly received and considered William H. DeVane, III's Section 1033 Application, will grant such application, subject to the following conditions:

1. In the event that the Director determines that William H. DeVane, III, or a representative of William H. DeVane, III has made a materially false or misleading statement, or has failed to disclose information material to the Director's determination herein, the Section 1033 Consent shall be void.

2. In the event that the Director determines that William H. DeVane, III has violated any condition of this Consent Order, the Section 1033 Consent shall be void.

3. In the event that the insurance producer license issued to William H. DeVane, III pursuant to this Consent Order expires, is suspended, is refused on renewal, or is revoked, the Section 1033 Consent shall be void.

**Order Regarding Application for Non-Resident Insurance Producer License**

IT IS FURTHER ORDERED that the Department will issue an insurance producer license to William H. DeVane, III subject to the conditions set forth herein and the following special conditions:

1. William H. DeVane, III 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. William H. DeVane, III shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or a consumer within five (5) business days of receipt. If the complaint was not communicated to DeVane by the Department, DeVane shall send the Department a copy of the complaint and a copy of DeVane's responses to the consumer within five (5) business days of receipt.

3. William H. DeVane, III shall report to the Consumer Affairs Division any and all of the following incidents involving DeVane: arrest, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. DeVane shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

4. William H. DeVane, III shall report to the Consumer Affairs Division any administrative action undertaken or initiated against DeVane in another jurisdiction or by another governmental agency in this state within five (5) business days after DeVane receives notification of the initiation of such administrative action.

5. The special conditions listed in paragraphs 1 through 4 will expire upon the earlier of the expiration or renewal of William H. DeVane, III's two (2) year non-resident insurance producer license or the refusal or revocation of DeVane's non-resident insurance producer license.

IT IS FURTHER ORDERED that for two (2) years subsequent to the date of this executed Consent Order, William H. DeVane, III will voluntarily surrender his insurance producer license to the Department within five (5) business days of DeVane's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for a felony or crime of moral turpitude, regardless of whether sentence is suspended or executed.

IT IS FURTHER ORDERED that if William H. DeVane, III maintains his insurance producer license beyond the initial term and complies with the terms of this Consent Order, DeVane may apply to renew his insurance producer license and the Director shall consider the renewal application in accordance with Chapters 374 and 375 without regard to DeVane's prior felony, or the underlying conduct, in *Commonwealth of Pennsylvania v.*

*William DeVane*, Ct. of Common Pleas of Philadelphia Co., Docket No. CP-51-CR-0937561-1991.

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 14<sup>TH</sup> DAY OF MARCH, 2014.

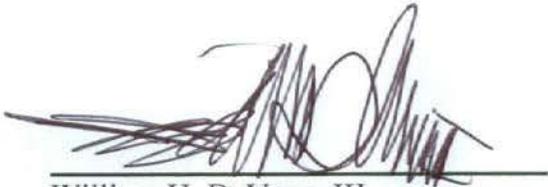




**JOHN M. HUFF, Director**  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that William H. DeVane, III may have a right to a hearing, but that William H. DeVane, III has waived the hearing and consented to the issuance of this Consent Order.



William H. DeVane, III  
3603 Buckwampum Rd.  
P.O. Box 579  
Riegelsville, PA 18077-0579  
Applicant

03/07/2014  
Date

\_\_\_\_\_  
Counsel for Applicant  
Name: \_\_\_\_\_  
Missouri Bar No. \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_  
Email: \_\_\_\_\_

\_\_\_\_\_  
Date



Tammy S. Kearns, MO Bar #62992  
Counsel for Consumer Affairs Division  
Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65102  
Telephone: (573) 751-2619  
Facsimile: (573) 526-5492  
Tammy.Kearns@insurance.mo.gov

3/11/2014  
Date