

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

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

In the Matter of:)
)
 DAVID SHAWN WILLIAMS,) **Case No. 1912240165C**
)
 Applicant.)

CONSENT ORDER

Chlora Lindley-Myers, Director of the Department of Insurance, Financial Institutions and Professional Registration, takes up the above-referenced matter for consideration and disposition. The Consumer Affairs Division, through counsel, Terra Sapp, and Applicant David Shawn Williams, have reached a settlement in this matter and Applicant David Shawn Williams has 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 Chapter 374 RSMo,¹ include supervision, regulation, and discipline of surety recovery agents.

¹ All statutory references are to the Revised Statutes of Missouri 2016 unless otherwise noted.

2. The Consumer Affairs Division of the Department (“Division”) has the duty of conducting investigations into the unfair or unlawful acts of surety recovery agents under the laws of this state and is authorized to initiate this action before the Director to enforce the laws of this state, including laws regarding surety recovery agent license applications.

3. On or about October 2, 2018, the Department received David Shawn Williams’ (“Williams”) completed Missouri Uniform Application for Bail Bond or Surety Recovery License (“Application”).

4. On and with the Application, Williams disclosed two felony guilty pleas and provided court records that revealed that: On September 13, 2012, Williams pled guilty in the Carroll County Circuit Court to two counts of the Class C Felony of Passing a Bad Check/Account/Insufficient Funds, in violation of § 570.120.² *State v. David S. Williams*, Carroll County Cir. Ct., Case No. 11CR-00046-01. The court suspended the imposition of sentence and placed Williams on five years’ probation. *Id.* On June 13, 2017 Williams was discharged from probation. *Id.*

5. Williams acknowledges and understands that the Director may refuse to issue Williams a surety recovery agent license under § 374.784.5 and § 374.787.1(2) because Williams pled guilty to two felonies.

6. Williams acknowledges and understands that he has the right to consult legal counsel at his own expense.

7. Williams stipulates and agrees to waive any waivable rights to a hearing before the Administrative Hearing Commission or the Director, any waivable rights to seek judicial

² All criminal statutory references are to that version of RSMo in effect at the time the crime was committed.

review, and any waivable rights to challenge or contest the terms and conditions of this Consent Order. Williams further stipulates and agrees to forever release and hold 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.

8. Williams acknowledges and understands that this Consent Order is an administrative action and that the Department will report it to other states. Williams further acknowledges and understands that this administrative action should be disclosed on his future applications and renewal applications and that he is responsible for complying with the reporting requirements of each state in which he may be licensed.

9. 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

10. The facts admitted by Williams are ground to refuse his surety recovery agent application pursuant to § 374.784.5 and § 374.787.1(2).

11. Section 374.784.5 provides:

The director may refuse to issue any license pursuant to section 374.783 to 374.789, for any one or any combination of causes stated in section 374.787. The director shall notify the applicant in writing of the reason or reasons for refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission to appeal the refusal as provided by chapter 621.

12. Section 374.787.1(2) provides:

1. The director may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any surety recovery agent or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

* * *

(2) Final adjudication or a plea of guilty or nolo contendere in a criminal prosecution under state or federal law for a felony or a crime involving moral turpitude, whether or not a sentence is imposed[.]

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 issuance of this Consent Order is in the public interest.

ORDER

IT IS ORDERED that the Department will issue a surety recovery agent license to David Shawn Williams, subject to the terms set forth herein and the following special conditions:

1. David Shawn Williams 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 Chapter 374 that relate to surety recovery agents, within five (5) business days of such violation or failure to comply.

2. David Shawn Williams shall respond to all inquiries from the Consumer Affairs Division in accordance with 20 CSR 100-4.100 (2)(A).

3. If a complaint is communicated directly to David Shawn Williams, he shall send the Consumer Affairs Division a copy of the complaint and a copy of his response to the consumer within five (5) business days of receipt of the consumer complaint.

4. David Shawn Williams shall report to the Consumer Affairs Division any and all of the following incidents involving Williams: the first court hearing or appearance in any criminal proceeding, guilty plea, *Alford* plea, nolo contendere plea, finding of guilt, or conviction for a felony or misdemeanor. Williams shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

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

6. The special conditions listed in paragraphs 1 through 5 will expire upon the earlier of expiration, lapse, termination, revocation, or renewal of David Shawn Williams' surety recovery agent license, whichever occurs first.

IT IS FURTHER ORDERED that, for two (2) years subsequent to the date that David Shawn Williams is issued a surety recovery agent license, David Shawn Williams will voluntarily surrender his surety recovery agent license to the Department within five (5) business days of Williams entering a guilty plea, entering a nolo contendere plea or *Alford* plea, being found guilty, or being convicted for a felony, regardless of whether the sentence is suspended or executed.

IT IS FURTHER ORDERED that if David Shawn Williams fully complies with the terms of this Consent Order and no cause for the Director to discipline Williams' surety recovery agent license can be found, then Williams may apply to renew his surety recovery agent license, and the Director shall consider his renewal application in accordance with

Chapter 374 without regard to Williams' two prior pleas of guilty in *State v. David S. Williams*, Carroll County Cir. Ct., Case No. 11CR-CR00046-01 or the underlying conduct.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, without limitation as authorized by Chapter 374 including remedies for violation of or failure to comply with the terms of this Consent Order.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 11th DAY OF April, 2019.



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 David Shawn Williams has the right to a hearing, but that David Shawn Williams has waived the hearing and agreed to the issuance of this Consent Order.

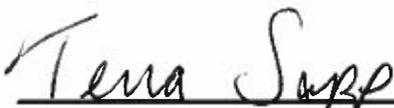


David Shawn Williams, Applicant
1112 Hilltop Dr.
Carrollton, MO 64633

4/5/2019
Date

~~Counsel for Applicant
Name: _____
Missouri Bar No.: _____
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Telephone: _____
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Date



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4/9/2019
Date