

# STATE OF MISSOURI



## DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In Re: DAVID MCNERNEY  
801 GRAY OAK DR  
COLUMBIA, MO 65201

Tracking ID 225315 e

RECEIVED  
SEP 15 2014  
D.E. OF INSURANCE,  
FINANCIAL INSTITUTIONS &  
PROFESSIONAL REGISTRATION

### VOLUNTARY FORFEITURE AGREEMENT

It is hereby agreed by David McNerney and the Consumer Affairs Division of the Department of Insurance, Financial Institutions and Professional Registration, as follows:

WHEREAS, John M. Huff, is the duly appointed Director of the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri (hereinafter, "Director" of the "Department"), whose duties, pursuant to Chapters 374 and 375, RSMo, include the supervision and regulation of the business of insurance;

WHEREAS, the Consumer Affairs Division of the Department is charged with investigating producers and companies engaged in the business of insurance pursuant to Sections 374.085 and 374.190, RSMo and is authorized by the Director to recommend enforcement action under the laws relating to insurance;

WHEREAS, David McNerney had a resident individual producer's license, which expired on August 18, 2014.

WHEREAS, the investigation has revealed that David McNerney failed to disclose on his Missouri Resident Producer Application, that in order to avoid a license denial in Colorado, he

signed a March 4, 2014 "Agreement To Withdraw Insurance Producer Application" with the Colorado Department of Insurance, a violation of Section 374.210.1 RSMo (Supp. 2013), which states:

It is unlawful for any person in any investigation, examination, inquiry, or other proceeding under this chapter, chapter 354, and chapters 375 to 385, to knowingly make or cause to be made a false statement upon oath or affirmation or in any record that is submitted to the director or used in any proceeding under this chapter, chapter 354, and chapters 375 to 385,

subjecting him to enforcement action by the Director;

WHEREAS David McNerney, has been informed of his right to counsel and of his right to contest any attempt by the Department to refuse his insurance producer license, and states that he understands his rights to contest any such actions;

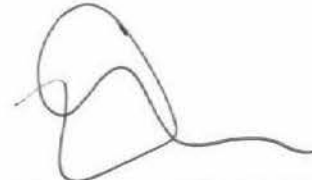
WHEREAS, David McNerney, acknowledges and admits for purposes of this Agreement and for purposes of any future action by the Director or the Consumer Affairs Division based on any additional violations of the insurance laws or regulations by David McNerney, in which action the Director or the Consumer Affairs Division alleges that the violation described herein forms part of a course of conduct, a business practice, or other such series of similar violations, or that future violations by David McNerney are committed knowingly, intentionally or in conscious disregard of the law, that he failed to disclose an administrative action from another state and that such conduct violated Section 374.210.1(1).

NOW, THEREFORE, in lieu of any recommendation or initiation by the Consumer Affairs Division of any action based on the violation cited in this Agreement, and after being afforded the opportunity to consult legal counsel, David McNerney does hereby voluntarily and knowingly surrender and forfeit the sum of two hundred and fifty dollars (\$250), such sum to be paid into the State School Moneys Fund pursuant to Sections 374.046 and 374.280, RSMo.

David McNerney shall submit this sum to the Department by cashier's check or money order made payable to the State School Moneys Fund no later than October 15, 2014. The parties

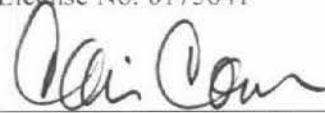
agree that, should the Director or the Division in the future allege any additional violation of the insurance laws or regulations by David McNerney, nothing in this Agreement shall preclude the Director or the Consumer Affairs Division from introducing David McNerney's admissions contained in this Agreement as evidence that the acts described herein form part of a course of conduct, a business practice, or other such series of similar violations, or for purposes of showing that such later alleged acts are committed knowingly, intentionally or in conscious disregard of the law.

DATED: 9/12/14



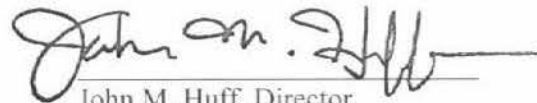
David McNerney  
License No. 0175641

DATED: 9/18/14



Carrie Couch, Acting Director  
Consumer Affairs Division

DATED: 9/22/14



John M. Huff, Director  
Department of Insurance, Financial  
Institutions and Professional  
Registration

Return original to:  
Sheri Sloan  
Missouri Department of Insurance,  
Financial Institutions and Professional Registration  
PO Box 400  
Jefferson City, MO 65102

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