

BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

NOV 29 2006

ADMINISTRATIVE HEARING
COMMISSION

W. DALE FINKE, Director)
Missouri Department of Insurance,)
Financial Institutions & Professional)
Registration,)
)
Petitioner,)
)
v.)
)
RICK LIDISKY,)
)
Respondent.)

Case No. 06-0758 DI

**STIPULATION OF FACTS,
CONSENT TO FINDING CAUSE FOR DISCIPLINE
& WAIVER OF HEARING**

Pursuant to the terms of § 536.060, RSMo (2000), as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo (2000), the parties to this agreement stipulate to the following facts, waive their right to a hearing and consent to a finding of cause to discipline the license of Rick Lidisky in the above-styled case by the Administrative Hearing Commission (hereinafter "Commission") of the State of Missouri.

Rick Lidisky (hereinafter "Respondent") acknowledges that he has been served and reviewed a copy of the Complaint filed with the Commission and submits to the jurisdiction of the Commission.

Respondent acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against Respondent; the right to appear and be represented by legal counsel at Respondent's expense; the right to have all allegations against

Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing; the right to present evidence on Respondent's behalf; the right to a decision based upon the record by a fair and impartial Administrative Hearing Commissioner concerning the Complaint pending against Respondent; and the right to a ruling on questions of law by an Administrative Hearing Commissioner.

Having been advised of these rights provided to Respondent by operation of law, Respondent knowingly and voluntarily waives each of those rights and freely enters into this Stipulation of Facts and Consent to Finding Cause for Discipline and Waiver of Hearing (hereinafter "Agreement"). Petitioner W. Dale Finke (hereinafter "Petitioner") and Respondent also agree to be bound and abide by the terms of this Agreement.

The parties agree that this document is an open record of the Director, as required by RSMo Chapters 374, 610 and 621. The parties stipulate that this Agreement is in their best interest and is in the best interests of the people of this state. The parties stipulate and agree that neither party is a prevailing party in this action and that neither party is entitled to an award of fees and expenses under the provisions of § 536.087, RSMo (2000), or any other statute or rule. The parties agree that this Agreement does not bind or restrict the Director as to any future violations of the insurance laws or statutes by Respondent. The parties agree this Commission has jurisdiction of the license held by Respondent and over this matter.

Based upon the foregoing, the Petitioner, Director W. Dale Finke, and Respondent, Rick Lidisky, jointly stipulate to the following and request that the AHC adopt the following Stipulation of Facts and Consent to Finding Cause for Discipline as its own findings of fact and conclusions of law:

1. Petitioner is the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration whose duties, pursuant to RSMo Chapters 374 and 375, include the supervision and regulation of insurance producers;

2. Respondent is a licensed insurance producer (license # PR318122) in good standing in the State of Missouri;

3. The Complaint in this matter was filed on May 25, 2006 and served on Respondent;

4. More than thirty days passed since the filing of the Complaint before Respondent offered a settlement proposal and Respondent has had more than thirty days to respond to the Complaint;

5. Respondent understands that he has the right to consult legal counsel, at Respondent's expense;

6. The following allegations contained in Counts I of the Complaint are true and accurate:

a. On or about December 20, 2004, Respondent agreed to a voluntary revocation of his insurance license by the Director of Insurance of the State of Illinois.

b. Respondent has thereby had an insurance producer license, or its equivalent denied, suspended or revoked in another state, province, district or territory and Respondent admits that the foregoing conduct is cause for disciplining Respondent's license under § 375.141.1(9), RSMo (Cum. Supp. 2005).

8. The following allegations contained in Count II of the Complaint are true and accurate:

a. On or about July 8, 1998, as a result of an administrative proceeding,

Respondent entered into a consent order with the Director of Insurance of the State of Illinois.

b. The consent order required that Respondent pay a civil forfeiture in the amount of three thousand, three hundred dollars (\$3,300.00) to the Director of Insurance of the State of Illinois.

d. On or about September 9, 2003, Respondent submitted a Uniform Application for Non-Resident Individual Insurance Producer License to the Missouri Department of Insurance.

e. On that application, Respondent intentionally represented to the Department in his application that he had never been involved in an administrative proceeding regarding any professional or occupational license.

f. Such representation was materially incorrect, misleading, incomplete or untrue.

g. Respondent admits that the foregoing conduct is cause for disciplining Respondent's license under § 375.141.1(1), RSMo (Cum. Supp. 2005).

9. Therefore, pursuant to 1 CSR 15-3.440(3), Petitioner and Respondent waive hearing in this matter and agree to a finding by this Commission of cause to discipline Respondent's insurance license based on the above stipulated facts.

10. Further, Respondent consents and agrees to pay two hundred fifty dollars (\$250.00) as a civil forfeiture.

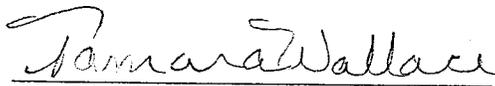
11. Further, Respondent waives his right to a disciplinary hearing before the Department pursuant to § 621.110, RSMo (2000), once a finding of cause to discipline has been issued by this

Commission.

WHEREFORE, the parties to this matter voluntarily and knowingly stipulate and consent to the above-cited facts and to a finding of cause to discipline the insurance license of Respondent Rick Lidisky based on the allegations contained in Counts I and II of the Complaint. The parties further request that this Commission issue its Findings and Conclusions, and Memorandum or Consent Order consistent with this Stipulation.


Rick Lidisky
Respondent

11-26-06
Date


Tamara A. Wallace
Enforcement Counsel
Missouri Bar # 59020
Missouri Department of Insurance, Financial
Institutions & Professional Registration
Attorney for Petitioner

11-20-06
Date