

BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

SEP 24 2007

ADMINISTRATIVE HEARING
COMMISSION

DOUGLAS M. OMMEN, Director)
Department of Insurance, Financial)
Institutions & Professional Registration)
State of Missouri,)

Petitioner,)

Case No.: 07-0470 DI

vs.)

GREGORY M. STRAND,)

Respondent.)

STIPULATION OF FACTS AND
CONSENT TO FINDING OF CAUSE FOR DISCIPLINE
AND WAIVER OF HEARING

Pursuant to the terms of § 536.060 RSMo 2000¹ as it is made applicable to the Administrative Hearing Commission by § 621.135, 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 insurance producer license of Respondent Gregory M. Strand in the above-styled case before the Administrative Hearing Commission (“AHC”) of the State of Missouri.

Respondent Strand acknowledges that he has received and reviewed a copy of the Complaint filed in this case. Respondent further acknowledges that he waives service of notice and of the Complaint and he voluntarily agrees to submit to the jurisdiction of the AHC in this action.

Respondent Strand acknowledges and understands that various procedural rights and privileges are afforded by law in this proceeding. These rights include, but are not limited to: 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 proven upon the record by

¹ All references are to RSMo 2000 unless indicated otherwise.

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 the procedural rights provided by operation of law, and having been advised that Respondent may consult with counsel on this matter, Respondent knowingly and voluntarily waives these procedural rights and freely enters into this Stipulation of Facts and Consent to Finding Cause for Discipline and Waiver of Hearing ("Stipulation"). The parties also agree to be bound and abide by the terms of this Stipulation.

The parties acknowledge that this Stipulation is an open record of the Director to be made available for inspection to anyone requesting a copy thereof as required by Chapters 374, 610, and 621 RSMo, and that this Stipulation embodies the entire agreement and understanding of the parties with respect to the subject matter contained herein. The parties hereby declare and represent that no promise, inducement or agreement not herein expressed has been made by either party. The parties stipulate that this Stipulation is in their best interests 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 or any other statute or rule. The parties agree that this Stipulation does not bind or restrict the Director regarding any other or future violations of the insurance laws or statutes by Respondent. The parties agree that the AHC has jurisdiction over the above-styled case.

Based upon the foregoing, the parties jointly stipulate to the following and request that the

AHC adopt the following Stipulation of Facts and Consent to Finding of Cause for Discipline as its own findings of fact, conclusions of law and order:

1. Douglas M. Ommen (“Director”) is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, whose duties include the supervision, regulation, and discipline of insurance producers and business entity producers in the state of Missouri.

2. The Missouri Department of Insurance, Financial Institutions and Professional Registration (“the Department”) issued Gregory M. Strand an insurance producer license (License No. PR232409) which is currently active and in good standing.

3. On April 3, 2007, the Department filed a Complaint against Respondent with the AHC seeking cause to discipline Respondent’s insurance producer license. Service of a copy of the Complaint (Case No. 07-0470 DI) was attempted on Respondent via certified mail by the AHC. Neither the return receipt card nor the service packet were returned to the AHC. However, Respondent has now received and reviewed a copy of the complaint filed with the AHC. Respondent Strand waives service of notice and of the Complaint under 1 CSR 15-3.350, waives the filing of an Answer in this case under 1 CSR 15-3.380, and submits to the jurisdiction of the AHC.

4. In the three Count Complaint, the Department sought cause to discipline Respondent’s license under §§ 375.141.1(6), 375.141(9), and 375.141.1(2) RSMo (Supp. 2005).

5. This Stipulation of Facts and Consent to Finding of Cause for Discipline and Waiver of Hearing was proposed by Petitioner, through his counsel, and subsequently accepted by Respondent.

6. Respondent understands that he has the right to consult legal counsel, at his own

expense, and has had the opportunity to consult legal counsel regarding this matter before entering into this Stipulation.

7. The allegations set forth in Counts I, II, and III of Petitioner's Complaint are true.

The facts are as follows:

- a. On or about June 9, 1995, in the District Court of Johnson County, Kansas, Respondent pleaded guilty to and was convicted of the crime of Attempted Aggravated Indecent Liberties With a Child. Such crime is a felony in the state of Kansas.
- b. On or about September 6, 2006, the Director of the Kansas Insurance Department issued a Summary Order, revoking Respondent's Kansas resident agent's license.
- c. The Kansas Order became final on September 25, 2006, permanently revoking Respondent's resident agent's license in the state of Kansas.
- d. As of October 25, 2006, thirty days after the Kansas administrative action became final, Respondent had not reported or otherwise provided a copy of the order or other relevant legal document regarding the Kansas administrative action to the Director of the Department.

8. The facts set forth in the previous paragraph are sufficient to establish cause under §§ 375.141.1(6), 375.141(9), and 375.141.1(2) RSMo (Supp. 2005) to discipline Respondent's license.

9. The parties to this Stipulation acknowledge and agree that if the AHC makes a finding of cause to discipline Respondent's license pursuant to this Stipulation, the Director will revoke Respondent's insurance producer license after the AHC's finding. The parties agree to waive a disciplinary hearing before the Department and further agree that the Director shall issue an order

revoking Respondent's insurance producer license after the AHC's finding and based upon the above stipulated facts.

10. The parties, pursuant to 1 CSR 15-3.440, waive hearing before the AHC in this matter and consent to a finding by the AHC of cause to discipline the insurance producer license of Respondent Gregory Strand based on the above stipulated facts pursuant to § 621.045 RSMo (Supp. . 2007).

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 producer license of Gregory M. Strand under the allegations of Counts I, II, and III of the Complaint filed by the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration in this action.

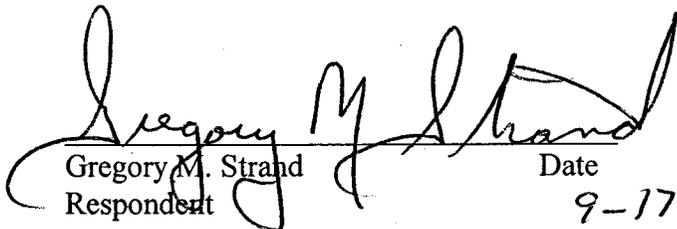
The parties further request that this Commission issue its Findings of Fact, Conclusions of Law and Order consistent with this Stipulation.

Douglas M. Ommen, Director
Missouri Department of Insurance,
Financial Institutions & Professional Registration
Petitioner



Mary Erickson 9/24/07
Missouri Bar # 42579 Date

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Gregory M. Strand Date
Respondent 9-17-07