

I. Findings

1. Douglas M. Ommen, Director of the Department of Insurance, has jurisdiction over this matter and over the Respondents hereto.

2. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this order is in the public interest because reoccurrence of the conduct prohibited herein may harm the public.

3. Respondents enter this Consent Order without any admission of a violation of the law. Respondents have not and will not use their licenses, licensed insurance producer Nos. PR370336, and PR370337. Further, said licenses have been voluntarily surrendered to the Department of Insurance.

4. Respondents waive the right to a hearing to contest any provision of this order and have stipulated and agreed to the issuance of this order without further proceedings in this matter, agreeing to be fully bound by the terms and conditions specified herein.

5. Respondents have stipulated and agreed to waive any rights that they may have to seek judicial review or other challenge or to otherwise contest the terms and conditions of this order. Respondents forever release and hold harmless the Department of Insurance, the director, and agents of the director from any and all liability and claims arising out of, pertaining to or relating to this matter.

6. Shelia G. Atchley is a licensed insurance producer (no. PR370336) in the state of Missouri. Ms. Atchley's license is currently active, in good standing, and will expire on May 4, 2008.

7. Stephen J. Atchley is a licensed insurance producer (no. PR370337) in the state of Missouri. Mr. Atchley's license is currently active, in good standing, and will expire on May 4,

2008.

8. Respondents maintain a legal address at 3823 W. Creekside Ct., Springfield, Missouri 65802.

9. The director is authorized to enforce this order and should Respondents fail to comply with the conditions set forth herein, the director or his successors, without any limitation, may initiate any action authorized by law.

II. Conclusions of Law

10. The jurisdiction of the Director to initiate and administer this Consent Order is found in § 374.046, RSMo (Cumulative Supp. 2006), which provides, in part:

1. If the director determines based upon substantial and competent evidence that a person has engaged, is engaging in or has taken a substantial step toward engaging in an act, practice, omission, or course of business constituting a violation of the laws of this state relating to insurance in this chapter, chapter 354, RSMo, and chapters 375 to 385, RSMo, or a rule adopted or order issued pursuant thereto or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of the laws of this state relating to insurance in this chapter, chapter 354, RSMo, and chapters 375 to 385, RSMo, or a rule adopted or order issued pursuant thereto, the director may order the following relief:

(1) An order directing the person to cease and desist from engaging in the act, practice, omission, or course of business;

(2) A curative order or order directing the person to take other action necessary or appropriate to comply with the insurance laws of this state;

(3) Order a civil penalty or forfeiture as provided in section 374.049; and

(4) Award reasonable costs of the investigation.

11. Section 375.141.1, RSMo (Cumulative Supp. 2006), in pertinent part, states:

1. The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:

...

(4) Improperly withholding, misappropriating or converting any

moneys or properties received in the course of doing insurance business;

...

(5) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

(6) Having been convicted of a felony or crime involving moral turpitude;

...

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere(.)

12. Section 375.144, RSMo (Cumulative Supp. 2006), states:

It is unlawful for any person, in connection with the offer, sale, solicitation or negotiation of insurance, directly or indirectly, to:

(1) Employ any deception, device, scheme, or artifice to defraud;

(2) As to any material fact, make or use any misrepresentation, concealment, or suppression;

(3) Engage in any pattern or practice of making any false statement of material fact; or

(4) Engage in any act, practice, or course of business which operates as a fraud or deceit upon any person.

13. Section 375.936, RSMo (2000), states:

Any of the following practices...are hereby defined as unfair trade practices in the business of insurance:

...

(7) "Misrepresentation in insurance applications", making false or fraudulent statements of misrepresentations on or relative to an application for a policy, for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, agency, broker or other person;

...

(9) "Rebates":

(a) ...knowingly permitting or offering to make or making any contract of...insurance, or agreement as to such contract other than as plainly expressed in the insurance contract...or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance...any rebate of premiums...or any special favor or advantage...or any valuable consideration or inducement...or anything of value whatsoever not specified in the contract(.)

III. Prohibited Conduct

IT IS NOW, THEREFORE, ORDERED that Respondents shall not:

a. Intentionally misrepresent the terms of an actual or proposed

insurance contract or application for insurance per section 375.141.1(5), RSMo (Cumulative Supp. 2006);

b. Commit fraudulent or dishonest practices, or demonstrate incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere per section 375.141.1(8), RSMo (Cumulative Supp. 2006);

c. In connection with the offer, sale, solicitation or negotiation of insurance, directly or indirectly, employ a deception, device, scheme, or artifice to defraud, make or use misrepresentation to material facts, engage in a pattern or practice of making false statements of material facts, or engage in an act, practice, or course of business which operates as a fraud or deceit upon persons per section 375.144, RSMo (Cumulative Supp. 2006);

d. Improperly withhold, misappropriate or convert moneys or properties received in the course of doing insurance business per section 375.141.1(4), RSMo (Cumulative Supp. 2006);

e. Unless so authorized under a written agreement between the licensee and the person legally entitled to the premiums, fail to remit all premium payments associated with a personal insurance policy to those persons entitled to them within thirty (30) days of receipt per 20 CSR 700-1.140(2)(D);

f. Make false or fraudulent statements or representations on or relative to an application for a policy, for the purpose of obtaining a fee, commission, money, or other benefit from an insurer, agent, agency, broker or other person as defined by section 375.936(7), RSMo (2000);

g. Knowingly make, publish, disseminate, circulate or place before the public, directly or indirectly, an advertisement, announcement, representation or statement regarding an agreement for insurance that consists as an inducement to such insurance as defined by section 375.936(9), RSMo (2000); and

h. Become employed, associate, assist, aide, consult, participate or otherwise engage in any transactions or functions of business, in this state or elsewhere, with Kevin Wayne Louderback, Justin Raydale Barnes, Citizens for AIDS Assistance and Prevention, Citizens for AIDS Assistance and Prevention & Associates, and Premier Financial Services.

IV. Settlement Terms

IT IS hereby acknowledged by the Director that Respondents have voluntarily

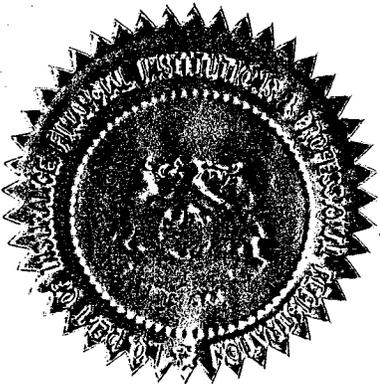
surrendered producer licenses Nos. PR370336 and PR370337 to the Department of Insurance.

UPON execution of this Consent Order by all listed signatories below, the Missouri Department of Insurance, Financial Institutions and Professional Registration will dismiss, with prejudice, its administrative action against Shelia G. Atchley and Stephen J. Atchley, as named parties in the case of *In Re: Kevin W. Louderback, et al.* (Case No. 070518314C) currently pending before the director.

EACH of the parties shall bear its own costs and attorney's fees.

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.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 12th DAY OF September, 2007.



DOUGLAS M. OMMEN
Director
Missouri Department of Insurance,
Financial Institutions and Professional
Registration

Consented to by:

SHELIA G. ATCHLEY

By: Shelia G. Atchley 8/31/07
Date

STEPHEN J. ATCHLEY

By: Stephen J. Atchley 8/31/07
Date

JERRY M. (Jay) KIRKSEY (attorney for Respondents)

By: Jerry M. (Jay) Kirksey 9/14/07
Date

MO Dept. of Insurance, Financial Institutions and
Professional Registration

By: Kevin Hall 9/10/07
Date