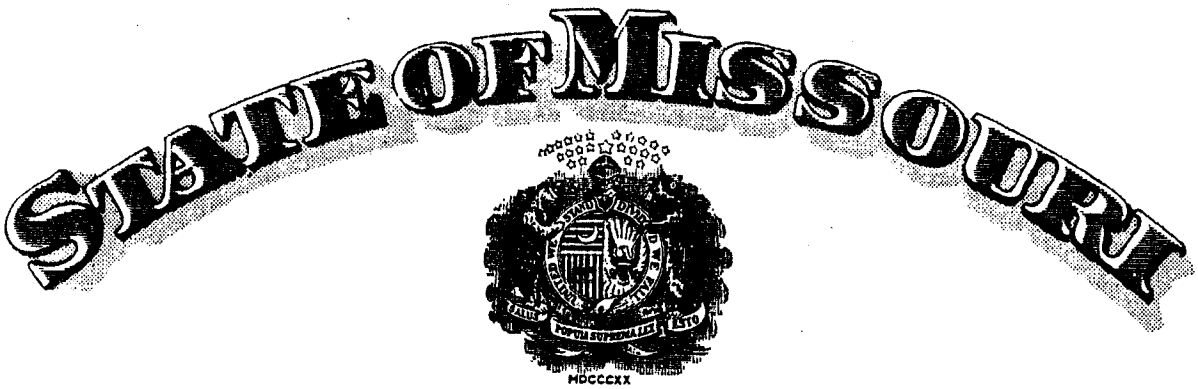


DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

IN THE MATTER OF:	)	
	)	
SAMUEL D. EIDSON,	)	Case No. 07A000677
Applicant	)	
	)	
Serve at:	)	
228 Centerfield Drive	)	
O'Fallon, Mo., 63366	)	

CONSENT ORDER

GRANTING LICENSE UNDER SPECIAL CIRCUMSTANCES

Douglas M. Ommen is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration. The Director has authority for the supervision, regulation, discipline and licensing of insurance producers.

The Consumer Affairs Division of the Department has the duty to ensure that applicants who are granted the privilege of a license demonstrate the knowledge, skills, honesty and integrity which Missouri's consumers expect from licensed insurance producers. The licensing process is controlled, in part, by a Missouri statute entitled Suspension, revocation, refusal of license--grounds--procedure. Section 375.141 RSMo Cum. Supp. 2007. The principal purpose of §375.141 is not to punish licensees or applicants, but to protect the public. ***Ballew v. Ainsworth***, 670 S.W.2d 94, 100 (Mo.App. E.D. 1984).

The Director may refuse to issue an insurance producer license based upon grounds which demonstrate a lack of competence or trustworthiness. Section 375.141.1(8) (*supra.)* Similarly, the Director may refuse to issue a license for "[h]aving been convicted of a felony or

crime involving moral turpitude." Section 375.141.1(6) (*supra*). The discretion to issue or refuse a license lies with the Director. Section 374.051.1 RSMo Cum. Supp. 2007. In applying this discretion, the Director will consider the history of the applicant and all of the circumstances surrounding the application.

In addition to the protections created by Missouri's insurance laws, the federal government recognized the concern of permitting convicted felons to conduct business within the insurance profession when it passed the Insurance Fraud Prevention Act of 1994, 18 U.S.C. § 1033(e)(2) which requires the director to specifically waive the presumption of disqualification for certain criminal convictions.

THE SAMUEL D. EIDSON APPLICATION.

On September 25, 2007, Samuel D. Eidson submitted a Uniform Application for an Individual Insurance Producer License of Applicant. Within that application, Eidson informed the Department that he had criminal charges pending in the St. Charles Circuit Court Division, 11th Judicial Circuit of Missouri, under case number 0711-CR02280-01 (Styled "ST V SAMUEL D EIDSON.")

Eidson requested his application be held in abeyance pending the resolution of the criminal charges against him. On December 10, 2007, the court granted Eidson a suspended imposition of sentence and placed him on probation for five years with specific terms and conditions.

On April 18, 2008, the Director convened a hearing and asked Eidson to provide the details and circumstances of his criminal history, as well as an explanation for the misstatements on his application. Upon completion of the hearing, and after considering the totality of the circumstances, the Director determined it appropriate to approve Eidson's application and issue his license under the terms and conditions herein.

The Consumer Affairs Division, Samuel D. Eidson, and Dan J. Roberts, hereby enter into and agree to abide by the terms and conditions of this Consent Order.

One such term is the requirement that Eidson be individually supervised by the licensed insurance producer for whom Eidson works and this Consent Order must be co-signed by that producer. The producer who has agreed to undertake this responsibility is Dan J. Roberts of Elite Insurance Services, 1022 Peruque Crossing Ct, O'Fallon, Missouri, 63366.

By co-signing this Consent Order, Dan J. Roberts acknowledges that he shall be responsible for Eidson's performance and conduct. Pursuant to section 375.015.2(2) RSMo

Cum. Supp. 2007, every business entity must have designated a licensed individual insurance producer to be responsible for compliance with the insurance laws, rules and regulations of this state by the business entity. Similarly, Dan J. Roberts hereby agrees that he shall act as a designated licensed individual insurance producer personally responsible for Eidson's compliance with the insurance laws, rules and regulations of this state.

In addition, pursuant to 20 CSR 700-1.020 (4) (Duty to Have Insurance Producer at Each Place of Business), section (A) requires that "Each place of business of an insurance producer must contain the principal office of at least one licensed insurance producer." That regulation goes on in Section (B) to require "A licensed insurance producer shall be held responsible for all insurance-related activities performed by an unlicensed individual under the supervision of that insurance producer." For the duration of this Consent Order, Eidson shall be disqualified to act as a licensed insurance producer who may be responsible for all insurance-related activities performed by an unlicensed individual. Eidson, while he is being supervised, is not qualified to supervise any other person who performs insurance-related activities.

The Director is authorized to issue this Consent Order pursuant to section 374.046 RSMo Cum. Supp. 2007. The Director, or his successor, is authorized to enforce this Consent Order and may initiate any lawful action to do so.

IT IS THEREFORE ORDERED THAT: Samuel D. Eidson's insurance producer's license is hereby approved, subject to the following conditions:

1. Eidson hereby authorizes any agent or employee of the Board of Probation and Parole to discuss Eidson's case and his personal information with a representative of the Consumer Affairs Division of the Department of Insurance, Financial Institutions and Professional Registration. Once signed, a copy of this Consent Order will be provided to Eidson's current probation officer by the Consumer Affairs Division.
2. If Eidson violates any term, condition, prohibition, or requirement of his probation, or of this Consent Order, he must notify the Consumer Affairs Division within five business days of the violation. Similarly, if Eidson has any reason to think that he may have done so, he must provide the same notice.
3. It shall be the responsibility of Samuel D. Eidson to notify the Department of any and all changes or modifications in the terms, conditions, or status of his probation within five business days of the change.

4. If Eidson is required to appear in any court on any matter, he must notify the Consumer Affairs Division of the details of that appearance within five business days of the appearance.
5. If, after successful completion of his probation, the Board of Probation and Parole grants Eidson a full release, and Eidson provides the Department a certified copy of the order discharging him from probation, and if Eidson has no complaint or investigation pending with any regulatory or law enforcement agency, then the Department will dissolve this Consent Order and remove each of its conditions from Eidson's license.
6. Eidson is not authorized to work for any other Insurance Producer without first having this Consent Order modified, agreed to, and signed, by the Division Director of the Consumer Affairs Division.
7. If Eidson's employment status is changed in any way, such as a layoff, termination, reassignment, or if Eidson has any change of business address or business telephone number, he must notify the Consumer Affairs Division within five business days of the change(s).
8. While this Consent Order is in effect, Eidson shall not be qualified to execute the responsibilities set out in 20 CSR 700-1.020 (4). Specifically, while Eidson is being supervised, he shall not be qualified or authorized to supervise any other person who performs insurance-related activities.
9. Eidson must successfully complete the requirement for, and obtain, his GED by December 31st, 2008, and submit proof thereof, not later than Friday, January 9, 2009.
10. Dan J. Roberts shall act as the designated licensed individual insurance producer personally responsible for Eidson's compliance with the insurance laws, rules and regulations of this state, as well as Eidson's full compliance with the terms and conditions of this Consent Order. As such, Dan J. Roberts is required to report any violation of, or change to, the terms set out herein, and is also required to report any consumer complaint regarding Eidson, to the Consumer Affairs Division within five business days of the violation, change, or complaint.

Eidson hereby acknowledges that if the Director were to refuse his application for an Insurance Producer's license, Eidson would have the right to file an appeal with the Administrative Hearing Commission. Eidson is aware of his right to an appeal and options, and

he is similarly aware of the length of time such an appeal process would require, as well as the uncertainty of the outcome of any such appeal process. Eidson has consulted with his attorney regarding the application and, as a result, his attorney has previously communicated with the Legal Counsel for the Consumer Affairs Division.

In consideration of his options, and his desire to begin work, albeit under the conditions of this Consent Order, Eidson has made clear his preference to enter into this Consent Order, as demonstrated by his signature.

By signing this Consent Order each signatory certifies that he or she is fully authorized to do so and that each signatory has read, understood, and agreed to abide by the terms, conditions, and requirements of the Consent Order in their entirety.

Samuel D. Eidson

5/8/08
Date

Subscribed and sworn to before me this 8 day of May 2008. I am commissioned as a notary public within the County of St. Charles State of Missouri, and my commission expires on July 17, 2009

JANET E. O'BRIEN
Notary Public - Notary Seal
State of Missouri
Lincoln County
My Commission Expires July 17, 2009
Commission # 05402971

Janet E. O'Brien
Notary Public

Dan J. Roberts

5/4/08
Date

Subscribed and sworn to before me this 8 day of May, 2008. I am commissioned as a notary public within the County of St. Charles State of Missouri, and my commission expires on July 17, 2009

JANET E. O'BRIEN
Notary Public - Notary Seal
State of Missouri
Lincoln County
My Commission Expires July 17, 2009
Commission # 05402971

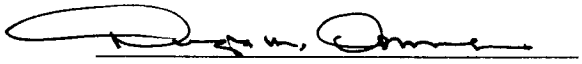
Janet E. O'Brien
Notary Public

Mary Kempker, Director
Consumer Affairs Division

5/13/08
Date

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED

THIS 13th DAY OF May, 2008.



DOUGLAS M. OMMEN, Director

Return to:
Les Hogue, Investigator
Division of Consumer Affairs
P.O. Box 690
Jefferson City, MO 65102