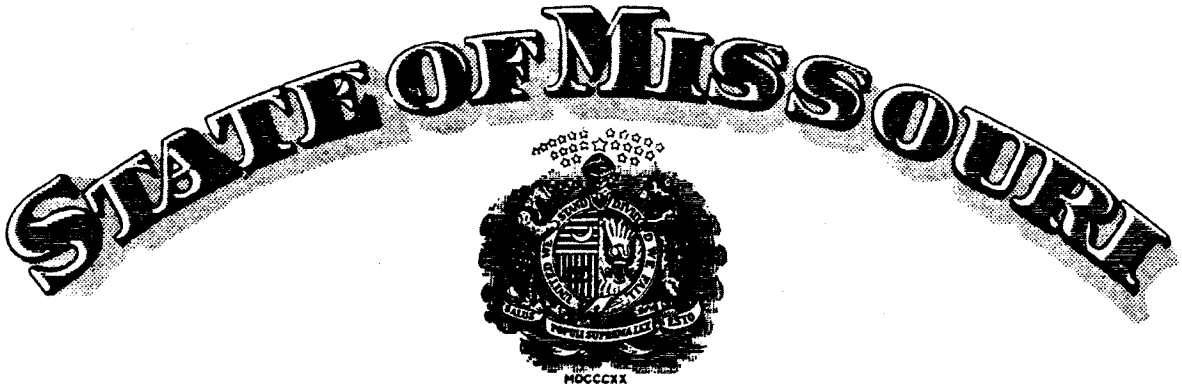


DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	**Case No. 08-0415327C**
CAROL J. BLACK,	)	
	)	
Respondent.	)	

CONSENT ORDER

JOHN M. HUFF, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Elfin L. Noce, and Respondent Carol J. Black have reached a settlement in this matter and Respondent has consented to the issuance of this Consent Order.

Findings of Fact

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

2. The Consumer Affairs Division of the Department of Insurance, Financial Institutions, and Professional Registration has the duty of conducting investigations into the unfair or unlawful acts of insurance companies and producers under the insurance laws of this state and has been authorized by the Director to initiate this action before the Director to enforce the insurance laws of this state.

3. The Department originally issued Respondent Carol J. Black ("Respondent") an insurance producer license (No. 104432) on January 12, 2001. The license was renewed and remained active until January 15, 2007, at which time the license was not renewed and expired.

4. On or about December 22, 2006, the Consumer Affairs Division referred Investigation File No. 04A000466 concerning Respondent and others to the Director seeking to discipline Respondent's license.

5. The Consumer Affairs Division and Respondent agree to the following facts for settlement purposes only:

a. Respondent pleaded guilty on March 9, 2006, to one count of felony interstate transportation of stolen money, in violation of 18 U.S.C. § 2314 (money she misappropriated by fraud from Capital Title Company, Inc. and its real estate closings).

b. Respondent was sentenced to 12 months and one day federal incarceration with three years supervised release.

c. Respondent's felony conviction is a ground for discipline of Respondent's insurance producer license pursuant to § 375.141.1(6), RSMo (Supp. 2008).[1]

[1] All statutory references are to RSMo (Supp. 2008) unless otherwise indicated.

d. Respondent's misappropriation of funds is a ground for discipline of her license pursuant to § 374.141.1(4).

6. Section 375.141.1(6) states the Director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for having been convicted of a felony or a crime involving moral turpitude.

7. Section 375.141.1(4) states the Director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business.

8. Respondent further acknowledges that she understands she has the right to consult an attorney at her own expense.

9. Respondent stipulates and agrees to waive any rights that she may have to a hearing before the Administrative Hearing Commission, the Director or Department, and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Order and forever releases and holds harmless the Department, the Director and his agents, and the Consumer Affairs Division from any and all liability and claims arising out of, pertaining to or relating to this matter.

10. Entry of this Order is in the public interest.

11. 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.

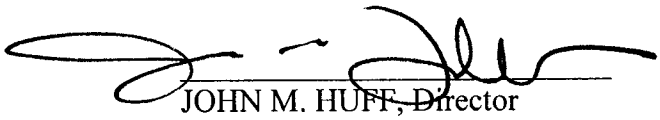
Conclusion of Law

12. The Consumer Affairs Division is authorized to settle this matter and the Director is authorized to issue this Consent Order in the public interest pursuant to §§ 374.046, 375.141, and 621.045, RSMo.

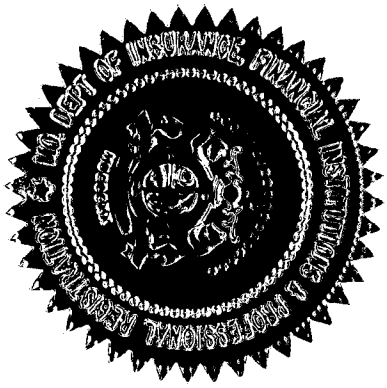
ORDER

IT IS ORDERED THAT Respondent Carol J. Black's insurance producer license (No. 104432) is hereby revoked.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 18th DAY OF MAY, 2009.



JOHN M. HUFF, Director
Missouri Department of Insurance,
Financial Institutions & Professional
Registration



CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Respondent Carol J. Black has a right to a hearing, but that Respondent has waived her rights to any and all hearings and all rights to appeal this Order, and has consented to the issuance of this Consent Order.

Carol J. Black
Respondent
1410 Radcliff Dr.
Festus, MO 63028
Phone: 636-937-1298

5/15/09
Date

Name: _____
Counsel for Carol J. Black, if any
Missouri Bar Number: _____
Firm: _____
Address: _____
_____
Telephone: _____
Facsimile: _____

_____
Date

Elfin L. Noce
Counsel for the Consumer Affairs Division
Mo. Bar No. 57682
Missouri Department of Insurance, Financial
Institutions & Professional Registration
301 West High Street, Room 530
Jefferson City, MO 65101
Phone: 573-751-2619
Fax: 573-526-5492

5/18/09
Date