DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	**DIFP Case No. 08-0708426C**
ARCHIE BRIAN SINCLAIR	)	
	)	
Respondent.	)	

CONSENT ORDER

LINDA BOHRER, Acting Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Division of Consumer Affairs, through legal counsel Elfin Noce, and Archie Brian Sinclair ("Respondent") have reached a settlement in this matter and Respondent has consented to the issuance of this Consent Order.

Findings of Fact

1. Linda Bohrer is the Acting 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 ("Consumer Affairs Division") has the duty of conducting investigations into the unfair or unlawful acts of insurance companies and agents 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 terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Consent Order is in the public interest because reoccurrence of the conduct prohibited herein may harm the public.

4. The Department issued Respondent an insurance producer license (No. PR179343) on November 20, 1986, such license has since been renewed, with an expiration date of November 20, 2008.

5. On or about July 3, 2008, the Consumer Affairs Division referred Investigations File No. 08A000151, concerning Respondent, to the Director seeking to discipline Respondent's license.

6. The Consumer Affairs Division alleged that Respondent pleaded guilty to Misprision of a Felony, a Class E felony, on December 10, 2007, for failing to inform a judge or other person in civil authority under the United States of the wire fraud perpetrated by Noah Darrin in order to conceal the scheme because he shared in the profits from the fraud. Respondent was sentenced on March 4, 2008 to twelve (12) months and one (1) day of federal incarceration with one (1) year supervised release to follow, a ground for discipline of Respondent's insurance producer license pursuant to §§ 375.141.1(6) and 375.141.1(8), RSMo (Supp. 2007).

7. Section 375.141.1(6), RSMo (Supp. 2007) states the director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license if the licensee has been convicted of a felony or a crime involving moral turpitude.

8. Section 375.141.1(8), RSMo (Supp. 2007), states the director may suspend, revoke, reuse to issue or refuse to renew an insurance producer license if the licensee uses fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

9. On or about July 16, 2008, counsel for the Consumer Affairs Division sent a copy of the Division's investigation report to Respondent. The investigation report described the specific conduct for which discipline was sought and citation to the law and rules allegedly violated, along with documents which were the basis thereof. Respondent was advised that Respondent had sixty (60) days to review the investigation report and consider the proposed settlement offer.

10. Respondent has been advised that he may, either at the time the settlement agreement is signed by all parties, or within fifteen (15) days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement constitute grounds for disciplining Respondent's license.

11. Respondent has stipulated and agreed to waive any rights that he may have to a hearing before the Administrative Hearing Commission 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.

12. Entry of this Consent Order is in the public interest.

13. The Director is authorized to enforce this Consent Order and should Respondent fail to comply with the conditions set forth herein, the Director or her successors, without any limitation, may initiate any action authorized by law.

Conclusion of Law

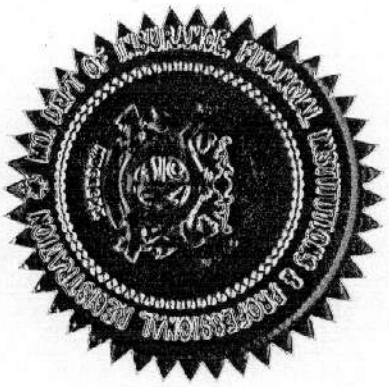
14. The Consumer Affairs Division is authorized to settle this matter and the Director is authorized to issue this Consent Order in the public interest pursuant to §§ 374.046, 374.280, 375.141 and 621.045, RSMo (Supp. 2007).

Settlement Terms

IT IS ORDERED THAT Respondent's insurance producer license (No. PR179343) is hereby revoked.

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 9th DAY OF August, 2008.



LINDA BOHRER, Acting Director
Missouri Department of Insurance,
Financial Institutions & Professional
Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Archie Brian Sinclair has the right to a hearing before the Director, but that Archie Brian Sinclair has waived the hearing and consented to the issuance of this Consent Order.

Archie Brian Sinclair

7-27-08
Date

Archie Brian Sinclair
Inmate Registry Number: 11821-031
USP Leavenworth
U.S. Penitentiary
P.O. Box 1000
Leavenworth, Kansas 66048

Respondent

8-5-08
Date

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8/8/08
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