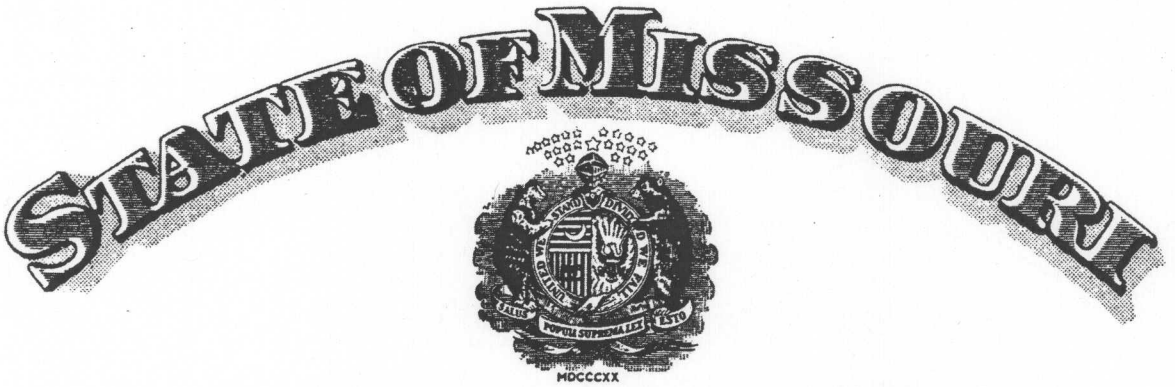


DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	**AHC Case No. 09-0534 DI**
	)	**DIFP Case No. 08-1124361C**
MONTY R. SMITH	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF DISCIPLINE

JOHN HUFF, Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, hereby makes the following Findings of Fact, Conclusions of Law, and Order.

Findings of Fact

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration. The Director has the duty to administer Chapters 374 and 375, RSMo, which includes the supervision, regulation, and discipline of insurance companies, agencies, and producers licensed to operate and conduct business in the State of Missouri.

2. The Department of Insurance, Financial Institutions and Professional Registration issued Respondent Monty R. Smith an insurance producer license (No. 0218027) on December 20, 2001. Such license is set to expire on December 20, 2009.

3. The Director filed a Complaint with the Administrative Hearing Commission on April 22, 2009, alleging that he has cause to discipline Smith's insurance producer license pursuant to §375.141.1(8), RSMo (Supp. 2008), as interpreted by 20 CSR 700-1.140(3) Minimum Standards of Competency and Trustworthiness for Insurance Producers Concerning Personal Insurance Transactions.[1]

4. Smith filed his Answer on June 2, 2009.

5. On July 27, 2009, Smith and the Director, both through counsel, filed a Joint Stipulation & Motion for Consent Order with the Administrative Hearing Commission.

6. On July 30, 2009, the Administrative Hearing Commission issued a Consent Order finding that cause exists to discipline Smith's insurance producer license pursuant to § 375.141.1(8), RSMo (Supp. 2008), as interpreted by 20 CSR 700-1.140(3).

7. The Director mailed to Smith's counsel a notice of the disciplinary hearing to be held at 1:00 p.m. on December 14, 2009, in the offices of the Director, 301 West High Street, Room 530, Jefferson City, Missouri. Smith received notice of the disciplinary hearing. Smith did not appear at the disciplinary hearing personally or through counsel. At the hearing, counsel for the Department presented the Consent Order and record of the Administrative Hearing Commission and recommended that Smith's insurance producer license be revoked.

8. The Director hereby adopts and incorporates the July 30, 2009 Administrative

Hearing Commission's Consent Order, referenced herein and does hereby find in accordance with the same.

Conclusions of Law

9. Pursuant to §§ 375.141 and 621.110, RSMo, (Supp. 2008), the Director has the discretion to discipline Smith's insurance producer license, including revocation of such license.

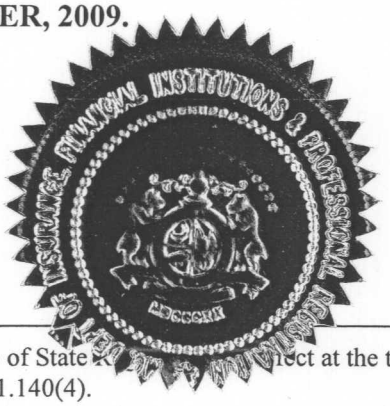
10. Based on the nature and severity of the aforementioned conduct, sufficient grounds exist to revoke Smith's insurance producer license pursuant to § 375.141.1(8), RSMo (Supp. 2008), as interpreted by 20 CSR 700-1.140(3).

ORDER

Based on the evidence presented and the recommendation of the Department to revoke, the insurance producer license of insurance producer license of **MONTY R. SMITH** (License No. 0218027) is hereby **REVOKED**. So recommended by the Hearing Officer this 15th day of December, 2009.

Elfin L. Noce, Enforcement Counsel
& Hearing Officer

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 24th DAY OF DECEMBER, 2009.



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

1 In the Code of State R[illegible] ect at the time of the conduct in question, the relevant language appeared in 20 CSR 700-1.140(4).

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing, including all attachments, was mailed, with sufficient postage attached, via certified mail through the United States Postal Service, certified mail # 70070710000220221933, on this 28th day of December, 2009 to:

Andy McCue
Counsel for Monty R. Smith
Meyers Law Firm
222 W. Gregory, Suite 340
Kansas City, Missouri 64114

Kathryn Randolph