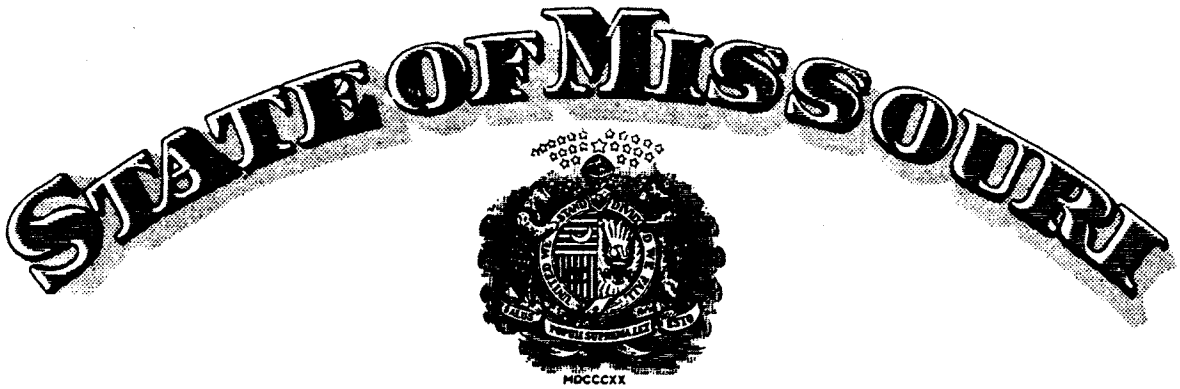

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	**DIFP Case No. 081204387C**
KENNETH LEE SHORT,	)	
	)	
Respondent.	)	

CONSENT ORDER

The 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 Noce, and Kenneth Lee Short ("Respondent") have reached a settlement in this matter and the parties have consented to the issuance of this Consent Order.

Findings of Fact

1. Pursuant to Chapters 374 and 375, RSMo, the duties of the Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration (hereinafter, "Director") 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. PR390258) on March 15, 2007, which was surrendered by Respondent on April 24, 2008. Such license will expire on March 15, 2009.

5. On or about September 18, 2008, the Consumer Affairs Division referred Investigation File No. 08A000070, concerning Respondent, to the Director seeking to discipline Respondent's insurance producer license.

6. The Consumer Affairs Division alleged that Respondent pleaded guilty to Felonious Restraint, a felony, on July 14, 2004. The court suspended the imposition of Respondent's sentence and placed him on five (5) years probation.

7. The Consumer Affairs Division alleged that Respondent failed to disclose that he pleaded guilty to Felonious Restraint on his insurance producer application, a ground for discipline of Respondent's insurance producer license pursuant to §§ 375.141.1(1) and 375.141.1(3), RSMo (Supp. 2007).

8. Section 375.141.1(1), RSMo (Supp. 2007), states the Director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for intentionally

providing materially incorrect, misleading, incomplete or untrue information in the license application.

9. Section 375.141.1(3), RSMo (Supp. 2007), states the Director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for obtaining or attempting to obtain a license through material misrepresentation or fraud.

10. On or about February 2, 2009, 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.

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

12. 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 the Director's agents, and the Consumer Affairs Division from any and all liability and claims arising out of, pertaining to or relating to this matter.

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

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, 374.280, 375.141, and 621.045, RSMo (2007).

13. The allegations raised by the Consumer Affairs Division constitute grounds to discipline Respondent's insurance producer license pursuant to §§ 375.141.1(1) and 375.141.1(3), RSMo (Supp. 2007).

Settlement Terms

IT IS ORDERED THAT Respondent Kenneth Lee Short's insurance producer license (No. PR390258) 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 17th DAY OF February, 2009.

John M. Huff ~~Kip Stetzler~~, Acting Director of the
Missouri Department of Insurance,
Financial Institutions & Professional
Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Kenneth Lee Short has the right to a hearing, but that Kenneth Lee Short has waived the hearing and consented to the issuance of this Order.

Kenneth Lee Short
Respondent
705 Samaritan Rd.
Galena, Missouri 65656

02-09-09
Date

Name: _____
Counsel for Kenneth Lee Short, if any
Missouri Bar Number: _____
Firm: _____
Address: _____
_____
Telephone: _____
Facsimile: _____

Date

Elfin Noce
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2/17/09
Date

LEGAL DEPT.
FEB 17 2009
MO. DEPT OF INSURANCE,
FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION