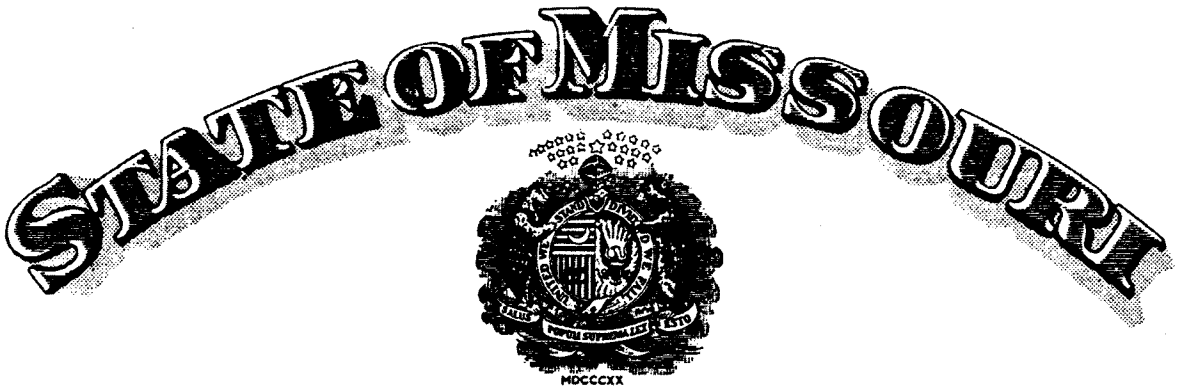


DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	**Case No. 08-1204388C**
NENETTE FRISCHE,	)	
	)	
AND	)	
	)	
FRISCHE INSURANCE AGENCY	)	
	)	
Respondents.	)	

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 Nenette Frische and Frische Insurance Agency ("Respondents") have reached a settlement in this matter and the parties have consented to the issuance of this Consent Order.

Findings of Fact

1. The Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration (hereinafter, "Director") 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 Order is in the public interest because reoccurrence of the conduct prohibited herein may harm the public.

4. The Department issued Respondent Nenette Frische an insurance producer license (No. PR183851) on November 7, 1991 and such license will expire on June 10, 2009.

5. Respondent Frische Insurance Agency is a sole proprietorship owned by Respondent Nenette Frische and at all times mentioned in this Consent Order Respondent Frische was acting on behalf of Frische Insurance Agency.

6. The Department issued Respondent Frische Insurance Agency a business entity insurance producer license (No. AG10209) on June 16, 1994 and such license expired on June 16, 2008.

7. On September 19, 2008, Consumer Affairs Division referred Investigation File Nos. 08A000160, 08A000249, and 08A000258, concerning Respondents, to the Director seeking to discipline Respondents' insurance producer licenses.

8. Consumer Affairs Division alleged that Respondent Frische accepted insurance premium from Albert Tiner for a workers' compensation policy and a general liability policy and that she failed to forward the applications and premium to Missouri Employers Mutual Insurance Company, grounds for discipline of Respondents' insurance producer licenses pursuant to § 375.141.1(4), RSMo (Supp. 2007).

9. Section 375.141.1(4), RSMo (Supp. 2007), 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.

10. Consumer Affairs Division alleged that Respondent Frische prepared invalid certificates of insurance as proof of workers' compensation insurance and delivered those to Albert Tiner, grounds for discipline of Respondents' insurance producer licenses pursuant to § 375.141.1(8), RSMo (Supp. 2007).

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

12. Consumer Affairs Division alleged that Respondent Frische accepted insurance premium from Richard Lee, beginning in October of 2004, and she failed to forward the premium to an insurance company to obtain coverage for Mr. Lee on his home and farm, grounds for discipline of Respondents' insurance producer licenses pursuant to § 375.141.1(4), RSMo (Supp. 2007).

13. On or about December 30, 2008, counsel for Consumer Affairs Division sent a copy of the Division's investigation report to Respondents. 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. Respondents were advised that Respondents had sixty (60) days to review the investigation report and consider the proposed settlement offer.

14. Respondents have been advised that they 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 Respondents' license.

15. Respondents have stipulated and agreed to waive any rights that they 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.

16. Respondents further acknowledge that they understand they have the right to consult an attorney at their own expense.

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

18. 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

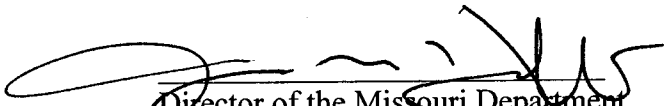
12. The Consumer Affairs Division is authorized to settle this matter and the Director is authorized to issue this Consent Order in the public interest pursuant to §§ 374.046, 374.280, 375.141, and 621.045, RSMo (2007).

Order

IT IS ORDERED THAT Respondent Nenette Frische's insurance producer license (No. PR289545) is hereby REVOKED.

IT IS ORDERED THAT Respondent Frische Insurance Agency's business entity insurance producer license (No. AG10209) is hereby REVOKED.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 9th DAY OF MARCH, 2009.



Director of the Missouri Department of Insurance, Financial Institutions & Professional Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Nenette Frische and Frische Insurance Agency have the right to a hearing, but that Nenette Frische and Frische Insurance Agency have waived their rights to any and all hearings and all rights to appeal this Order, and have consented to the issuance of this Consent Order.

03/06/09

Nenette Frische, on behalf of herself
and Frische Insurance Agency
Respondent
2878 Laughlin Ridge Rd.
Pineville, Missouri 64856

Date

Name: _____
Counsel for Nenette Frische, if any
Missouri Bar Number: _____
Firm: _____
Address: _____
_____
Telephone: _____
Facsimile: _____

Date

3/3/09

Elfin Noce
Counsel for the Consumer Affairs Division
Missouri Bar # 57682
Missouri Department of Insurance, Financial
Institutions & Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Fax: (573) 526-5492

Date

LEGAL DEPT.

MAR 0 9 2009

MO. DEPT OF INSURANCE,
FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION