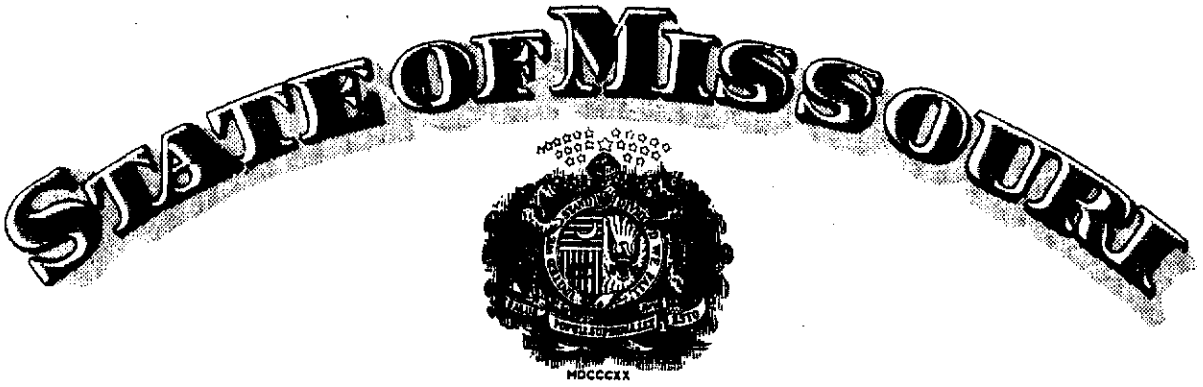

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

IN THE MATTER OF:	)	
	)	
THOMAS R. MATTHEWS,	)	Case No. 08A000237
Applicant	)	
	)	
Serve at:	)	
101 Thrush Court	)	
Warrenton, MO 63383	)	

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APR 24 2008
MO. DEPT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

CONSENT ORDER

GRANTING LICENSE UNDER SPECIAL CIRCUMSTANCES

Douglas M. Ommen is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration. The Director has authority for the supervision, regulation, discipline and licensing of insurance producers.

The Consumer Affairs Division of the Department has the duty to ensure that applicants who are granted the privilege of a license demonstrate the knowledge, skills, honesty and integrity which Missouri's consumers expect from licensed insurance producers. The licensing process is controlled, in part, by a Missouri statute entitled Suspension, revocation, refusal of license--grounds--procedure. Section 375.141 RSMo (Cum. Supp. 2007) The principal purpose of § 375.141 is not to punish licensees or

applicants, but to protect the public. ***Ballew v. Ainsworth***, 670 S.W.2d 94, 100 (Mo.App. E.D. 1984).

The Director may refuse to issue an insurance producer license based upon grounds which demonstrate a lack of competence or trustworthiness. 375.141.1(8) *supra* Similarly, the Director may refuse to issue a license for "[h]aving been convicted of a felony or crime involving moral turpitude." 375.141.1(6) (*supra*). The discretion to issue or refuse a license lies with the Director. Section 374.051.1 RSMo (Cum. Supp. 2007) In applying this discretion, the Director will consider the history of the Applicant and all of the circumstances surrounding the Application.

In addition to the protections created by Missouri's insurance laws, the federal government recognized the concern of permitting convicted felons to conduct business within the insurance profession when it passed the Insurance Fraud Prevention Act of 1994, 18 U.S.C. § 1033(e)(2), which requires the director to specifically waive the presumption of disqualification for certain criminal convictions.

THE THOMAS R. MATTHEWS APPLICATION

On March 17, 2008, Thomas R. Matthews submitted a Uniform Application for Individual Insurance Producer License. Matthews informed the Department that on March 1, 2005, he entered into a plea agreement which resulted in a suspended execution of sentence and five years probation. Failure to satisfy the terms of that agreement could result in incarceration in the Missouri Department of Corrections. The record demonstrates that, to date, Matthews has satisfied the requirements of the court.

Based upon the information and evidence gathered during the investigation, and in consideration of Matthew's honesty, candor, and integrity under the circumstances, the

Consumer Affairs Division has recommended the Director approve Matthew's application and issue him a license under the terms and conditions herein.

This Consent Order is in the public interest because it constitutes an appropriate disposition of the application for the Applicant and it ensures adequate protection of the public. The Consumer Affairs Division and Matthews hereby enter into and agree to abide by the mutually beneficial terms of this Consent Order.

The Director is authorized to issue this Consent Order pursuant to sections 374.046 and 374.755 RSMo (Cum Supp. 2007). The Director, or his successor, is authorized to enforce this Consent Order and may initiate any lawful action to do so.

IT IS THEREFORE ORDERED THAT: Thomas R. Matthew's insurance producer's license is hereby approved, subject to the following mandatory conditions:

1. If Matthews violates his probation, Matthews shall notify the Consumer Affairs Division within five business days of the violation.
2. Matthews hereby authorizes any agent or employee of the Board of Probation and Parole to discuss his case and his personal information with a representative of the Consumer Affairs Division of the Department which issued this order.
3. If, after successful completion of his probation, the Board of Probation and Parole grants Matthews a full release, the Department will dissolve this Consent Order and remove each of its conditions from Matthews' license.

Matthews hereby acknowledges that if the Director were to refuse his license, he would have the right to file an appeal with the Administrative Hearing Commission. Matthews is aware of that right, and is similarly aware of the length of time such an appeal process would require. In consideration of his options, and his desire to begin work, albeit under the conditions of this Consent Order, Matthews has made clear his preference to enter into this Consent Order, as signified by his signature.

By signing this Consent Order each signatory certifies that he or she is fully

authorized to do so and that each signatory has read, understood, and agreed to the terms, conditions, and requirements of the Consent Order in their entirety.

Thomas R. Matthews

4-23-08
Date

Mary Kempker, Director
Division of Consumer Affairs

5/2/08
Date

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED

THIS 2nd DAY OF May, 2008.

DOUGLAS M. OMMEN, Director

Return to:
Division of Consumer Affairs
P.O. Box 690
Jefferson City, MO 65102