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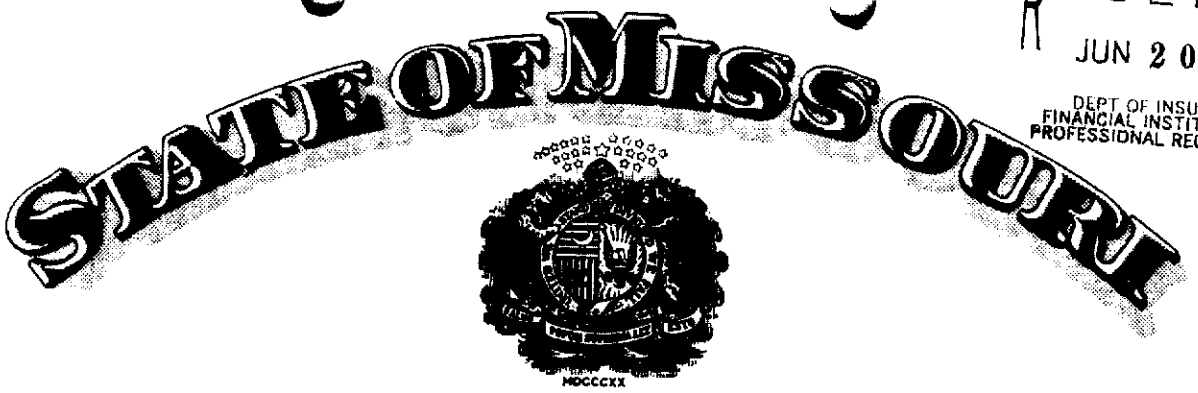
DEPT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION




# DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

| | | |
|---|---|---|
| IN THE MATTER OF: | ) | |
| | ) | |
| MARK P. BEELEK, JR, | ) | Case No. 08A000449 |
| Applicant | ) | |
| | ) | |
| Serve at: | ) | |
| 5923 Billings Dr. | ) | |
| Lincoln, NE 68516 | ) | |

## CONSENT ORDER LIMITING BUSINESS UNDER LICENSE

Linda Bohrer is the duly appointed Acting Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration. The Acting 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 Section 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. Section 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." Section 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.

**THE MARK P. BEELEK, JR. APPLICATION**

On May 27, 2008, Mark P. Beelek, Jr. submitted a Uniform Application for Individual Non-Resident Insurance Producer License. Beelek informed the Department that:

> On July 16, 1998, he pled guilty to and was convicted of a misdemeanor under the laws of the state of Nebraska, to wit: Driving Under the Influence, First Offense, Case No. 98-006060;
>
> On October 22, 1998, he pled guilty to and was convicted of a misdemeanor under the laws of the state of Nebraska, to wit: Driving Under the Influence, Minor Driving, Case No. 98-059474;
>
> On March 17, 2004, he pled guilty to and was convicted of a misdemeanor under the laws of the state of Nebraska, to wit: Driving Under the Influence, First Offense, Case No. A3-020542;
>
> On February 3, 2006, he pled guilty to and was convicted of a misdemeanor under the laws of the state of Nebraska, to wit: Driving Under the Influence, Third Offense, Case No. A5-085092; and
>
> On other occasions prior to the issuance of this order, Beelek pled guilty to, and was convicted of several other misdemeanor offenses related to substance abuse.

Beelek has been placed on supervised probation with the Board of Probation and Parole through February 3, 2009. The record demonstrates that, to date, Beelek has satisfied the requirements of the court.

Based upon the information and evidence gathered during the investigation the Consumer Affairs Division has recommended the Director approve Beelek'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 Beelek hereby enter into and agree to abide by the mutually beneficial terms of this Consent Order.

Beelek, without any admission of a violation of the insurance laws of this state, waives the right to a hearing to contest any provision of this order and has stipulated and agreed to the issuance of this order without further proceedings in this matter, agreeing to be fully bound by the terms and conditions specified herein.

Beelek has stipulated and agreed to waive any rights that he may have to seek judicial review or other challenge or contest to the terms and conditions of this order and forever releases and holds harmless the Department, the Director and her agents from any and all liability and claims arising out of, pertaining to or relating to this matter.

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

**IT IS THEREFORE ORDERED THAT:** Mark P. Beelek, Jr.'s non-resident insurance producer's license is hereby approved, subject to the following mandatory

conditions:

1. Beelek shall remain employed as a captive agent of Family Heritage Life Insurance Company of America;

2. Jacob R. Christensen, a licensed non-resident Missouri insurance producer, No. PR415724 supervises and mentors Beelek and shall have a system of procedures in place to reasonably supervise the insurance sales activities of Beelek and to monitor for and detect violations of insurance laws and regulations or any alcohol abuse by Beelek that might impair his duty of fair dealing with customers;

3. If Beelek violates his probation, Beelek shall notify the Consumer Affairs Division within five business days of the violation.

4. Beelek 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.

5. If, after successful completion of his probation, the Board of Probation and Parole grants Beelek a full release, and Beelek provides the Department a certified copy of the order discharging him from probation, and if Beelek has no complaint or investigation pending with any regulatory or law enforcement agency, then the Department will dissolve this Consent Order and remove each of its conditions from Beelek's license.

Beelek 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. Beelek 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, Beelek 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.

Mark P. Beelek, Jr.

6/18/08
Date

Subscribed and sworn to before me this 18 day of June, 2008. I am commissioned as a notary public within the County of Lancaster, State of Nebraska, and my commission expires on May 22, 2012.

GENERAL NOTARY-State of Nebraska
JASON D. HILL
My Comm. Exp. May 22, 2012

Notary Public

Jacob R. Christensen, PR415724

6/18/08
Date

Subscribed and sworn to before me this 18 day of June, 2008. I am commissioned as a notary public within the County of Lancaster, State of Nebraska, and my commission expires on May 22, 2012.

GENERAL NOTARY-State of Nebraska
JASON D. HILL
My Comm. Exp. May 22, 2012

Notary Public

Mary Kempker, Director
Division of Consumer Affairs

6/23/08
Date

**SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED**

**THIS 23rd DAY OF June, 2008.**

LINDA BOHRER, Acting Director

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