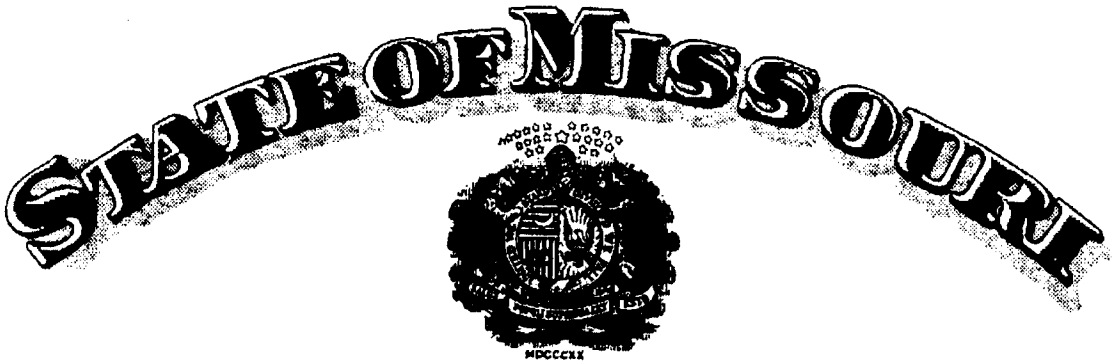


# DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

| | | |
|---|---|---|
| IN THE MATTER OF: | ) | |
| | ) | |
| CHRISTOPHER BOOTH, | ) | Case No. 08A001047 |
| Applicant | ) | |
| | ) | |
| Serve at: | ) | |
| 198 Wilkerson Avenue | ) | |
| Camdenton, MO 65020 | ) | |

## CONSENT ORDER

## GRANTING LICENSE UNDER SPECIAL CIRCUMSTANCES

Kip Stetzler is the duly appointed Acting 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 CHRISTOPHER BOOTH APPLICATION

On December 11, 2008, Christopher Booth (Booth) submitted a Uniform Application for Individual Insurance Producer License for the line of prepaid legal only. Booth informed the Department that on April 27, 2006, he entered into a plea agreement and pleaded guilty to the crime of criminal non-support which resulted in a suspended imposition of sentence and five years probation. Failure to satisfy the terms of that agreement could result in a permanent felony conviction. The record demonstrates that, to date, Booth has satisfied the requirements of the court. Booth has shown that since

2006 he has made consistent monthly payments toward his child support obligation.

Based upon the information and evidence gathered during the investigation the Consumer Affairs Division has recommended the Director approve Booth'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 Booth 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 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:** Christopher Booth's insurance producer's license is hereby approved, subject to the following mandatory conditions:

1. If Booth violates his probation, Booth shall notify the Consumer Affairs Division within five business days of the violation.
2. Booth 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 Booth a full release, and Booth provides the Department a certified copy of the order discharging him from probation, and if Booth 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 Booth's license.

Booth 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. Booth 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, Booth 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.

Christopher Booth

1-13-09
Date

Subscribed and sworn to before me this 13th day of January, 2009. I am commissioned as a notary public within the County of Moniteau, State of Missouri, and my commission expires on 8/8/10.

NOTARY PUBLIC NOTARY SEAL STATE OF MISSOURI

CARRIE L. COUCH
My Commission Expires
August 8, 2010
Moniteau County
Commission #06429662

Notary Public

Mary Kempker, Director
Division of Consumer Affairs

Kempker 1/13/09
Date

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

**THIS 16th DAY OF January, 2009.**

DIRECTOR
Missouri Department of Insurance, Financial Institutions and Professional Registration

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