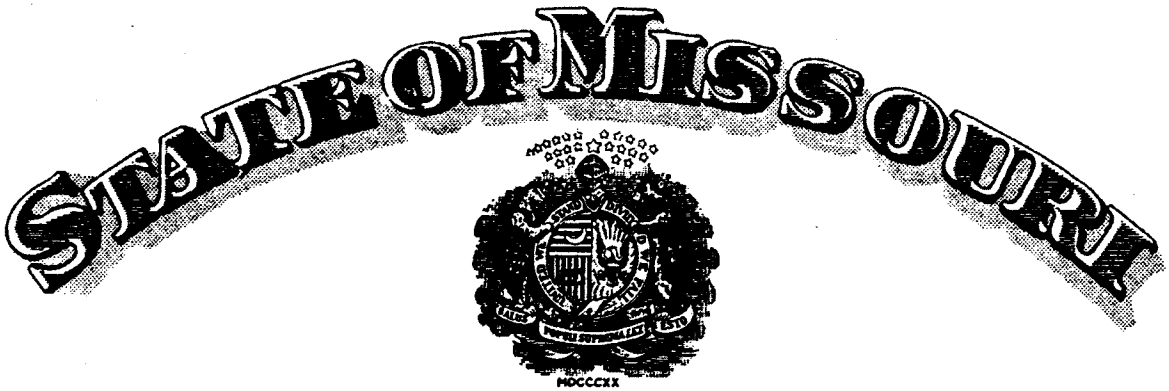


DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
COLIN P. LINDSEY	)	**DIFP Case No. 090206160C**
	)	

CONSENT ORDER

John M. Huff, 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 Tamara W. Kopp, and Colin P. Lindsey have reached a settlement in this matter and have consented to the issuance of this Consent Order.

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration (hereinafter, "Director") whose duties, pursuant to Chapters 374 and 375, RSMo, include the supervision, regulation, and discipline of insurance producers.

2. The Consumer Affairs Division has the duty of conducting investigations into the acts of insurance producers under the insurance laws of this state and is authorized

by the Director to investigate and to recommend enforcement action for violations of the insurance laws of this state.

3. Colin P. Lindsey is a non-resident licensed insurance producer first licensed by the Department on August 27, 2001. (License No. PR222019). Lindsey, whose license expired on December 28, 2008, surrendered his license via letter on or about March 2, 2009.

4. On or about February 5, 2009, the Consumer Affairs Division referred Investigation File Number 08A000523, concerning Lindsey, to the Director seeking to discipline Lindsey's insurance producer license.

5. The Consumer Affairs Division alleged that Lindsey's insurance producer license was revoked in another state, he failed to notify the Director of the revocation, and he failed to appear when subpoenaed by the Director. The facts are as follows:

a. On or about February 22, 2008, the New Hampshire Insurance Department issued an Order to Show Cause and Notice of Hearing against Lindsey alleging that Lindsey used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in the State of New Hampshire or elsewhere.

b. On or about May 8, 2008, Lindsey entered into a Settlement Agreement and Order with the Commissioner of the New Hampshire Insurance Department whereby the New Hampshire Insurance Department revoked Lindsey's insurance producer license.

c. Effective September 15, 2008, the Kansas Commissioner of Insurance, revoked Lindsey's insurance producer license upon finding that Lindsey

demonstrated incompetence in the conduct of business in the State of Kansas or elsewhere, Lindsey's agent license was revoked in the State of New Hampshire, and that Lindsey failed to notify the Kansas Insurance Department of the New Hampshire license revocation.

d. Lindsey failed to notify the Director of the administrative actions taken against him in New Hampshire and Kansas within thirty (30) days of the final disposition of the matters as required by § 375.141.6, RSMo (Supp. 2008).

e. On July 7, 2008, the Department received an anonymous phone call regarding Lindsey's New Hampshire insurance producer license revocation.

f. On or about July 9, 2008, Department Investigator Carrie Couch mailed a letter to Lindsey at the legal address contained in Department records, requesting information regarding Lindsey's New Hampshire insurance producer license revocation and Lindsey's failure to notify the Department within thirty (30) days. Such letter required a statement from Lindsey by July 29, 2008. Investigator Couch did not receive the letter by return mail. Investigator Couch received no statement from Lindsey by the indicated date.

g. On or about August 5, 2008, Investigator Couch mailed a second letter to Lindsey at the mailing address contained in Department records, requesting information regarding Lindsey's New Hampshire insurance producer license revocation and Lindsey's failure to notify the Department within thirty (30) days. Such letter required a statement from Lindsey by August 26, 2008.

Investigator Couch did not receive the letter by return mail. Investigator Couch received no statement from Lindsey by the indicated date.

h. On or about September 8, 2008, Investigator Couch sent, by certified mail to Lindsey's mailing address contained in Department records, a Subpoena Duces Tecum. The Subpoena required Lindsey's appearance at the Department's Jefferson City, Missouri office on October 9, 2008. The Postal Service attempted to deliver the Subpoena to Lindsey by leaving notice on September 10, 2008, September 18, 2008, and September 25, 2008. On October 1, 2008, the Subpoena was returned to the Department as unclaimed. Lindsey failed to appear at the Department's Jefferson City, Missouri office on the required date.

6. On February 11, 2009, the Director filed a Complaint with the Administrative Hearing Commission seeking a finding that cause exists to discipline Lindsey's insurance producer license pursuant to §§ 375.141.1(9), 375.141.1(2), and 374.210.2, RSMo (Supp. 2008). See *Director of Department of Insurance, Financial Institutions and Professional Registration vs. Colin P. Lindsey*, AHC Case No. 09-0220 DI.

7. On or about March 2, 2009, Lindsey filed an Answer with the Administrative Hearing Commission admitting to the facts raised by the Director's Complaint and surrendering his insurance producer license.

8. Lindsey has the right to consult counsel at his own expense.

9. Lindsey 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 settlement constitute grounds for disciplining Lindsey's insurance producer license.

10. Lindsey stipulates and agrees to waive any rights that he may have to a hearing before the Administrative Hearing Commission or the Director and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Consent Order and forever releases and holds harmless the Department, the Director and his agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

11. Upon execution of this Consent Order, the Director agrees to dismiss the Complaint filed in *Director of Department of Insurance, Financial Institutions and Professional Registration vs. Colin P. Lindsey*, AHC Case No. 09-0220 DI.

Conclusions of Law

12. The allegations raised by the Consumer Affairs Division and the Director, if proven, are grounds to discipline Lindsey's insurance producer license.

13. The New Hampshire and Kansas license revocations constitute grounds to discipline Lindsey's insurance producer license pursuant to § 375.141.1(9), RSMo (Supp. 2008).

14. Lindsey's failure to notify the Director within thirty (30) days of the final disposition of the New Hampshire and Kansas license revocations is a violation of § 375.141.6, RSMo (Supp. 2008), and constitutes grounds to discipline Lindsey's insurance producer license pursuant to § 375.141.1(2), RSMo (Supp. 2008).

15. Lindsey's failure to file a statement when requested by the Director and failure to appear when subpoenaed by the Director is grounds to discipline his insurance producer license pursuant to § 374.210.2, RSMo (Supp. 2008).

16. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to §§ 374.046, RSMo (Supp. 2008) and 374.280, RSMo (2000).

17. The Director is authorized to enforce this Consent Order and should Lindsey fail to comply with the conditions set forth herein, the Director or his successors, without any limitation, may initiate any action authorized by law, including referral of this case to criminal prosecutors.

18. 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.

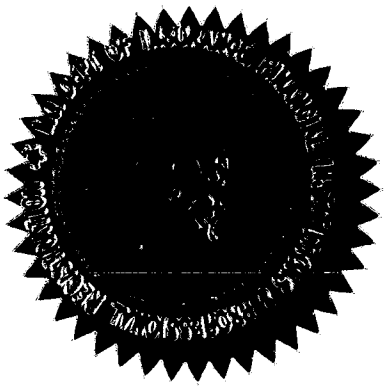
ORDER

IT IS ORDERED THAT Colin P. Lindsey's insurance producer license (License No. PR222019) 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 30TH **DAY OF** MARCH **, 2009.**

JOHN M. HUFF
Director, Missouri Department of
Insurance, Financial Institutions &
Professional Registration



CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Colin P. Lindsey has the right to a hearing, but that Colin P. Lindsey has waived the hearing and consented to the issuance of this Consent Order.

_____ Date 3/17/09
Colin P. Lindsey
Respondent

_____ _____
Counsel for Respondent (if any) Date
Printed Name: _____
Missouri Bar No. _____
Address: _____
_____
Telephone: _____
Facsimile: _____

_____ 3-23-09
Tamara W. Kopp Date
Counsel for Consumer Affairs Division
Missouri Bar No. 59020
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