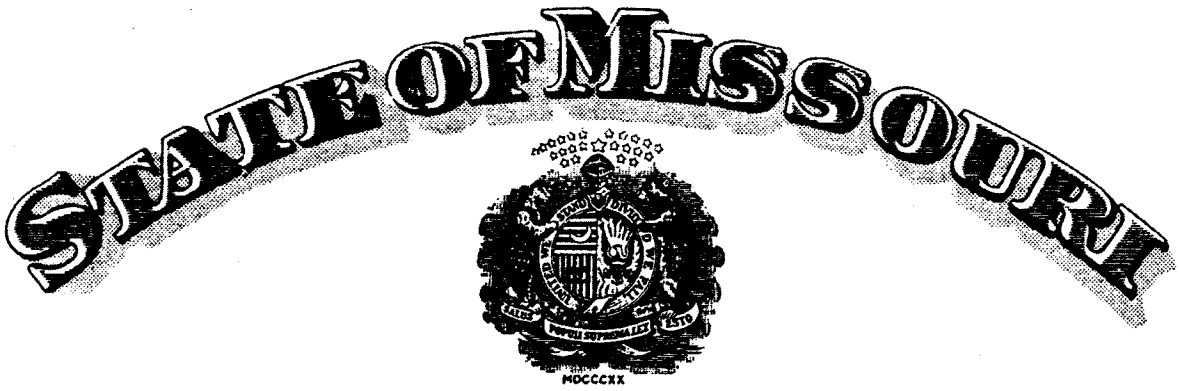


DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
RODNEY W. MCCARRON, SR.,	)	**DIFP Case No. 090414485C**
	)	
and	)	
	)	
ROCKIN ROD, INC.,	)	
	)	
Respondents.	)	

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 Rodney W. McCarron, Sr., through legal counsel Mark Ludwig, and Rockin Rod, Inc., 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 and business entity 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. Rodney W. McCarron, Sr. (McCarron) is a licensed insurance producer first licensed by the Department on April 25, 1980. (License No. 236259). McCarron surrendered his insurance producer license to the Department via letter dated January 21, 2009. McCarron's license is set to expire on April 25, 2010.

4. Rockin Rod, Inc., (Rockin Rod) is a licensed business entity producer (License No. 8019083). Rockin Rod's business entity producer license is scheduled to expire on November 19, 2010. Department records indicate that McCarron is the Designated/Responsible Licensed Producer and President of Rockin Rod. Secretary of State records indicate that McCarron incorporated Rockin Rod, and is the President, Secretary, and registered agent on behalf of Rockin Rod.

5. On June 20, 2008, McCarron was convicted of felony Conspiracy to Distribute and Possess with Intent to Distribute Marihuana and Cocaine in violation of 21 U.S.C. 846 and felony Distribution of Cocaine in violation of 21 U.S.C. 841 and 18 U.S.C. 2. McCarron was sentenced by the United States District Court Southern District of Illinois to thirty (30) months imprisonment.

6. McCarron did not notify the Director within thirty (30) days of the initial pretrial hearing date on the felony prosecutions disclosed in the immediately preceding paragraph, as required by §375.141.7, RSMo (Supp. 2008).

7. McCarron as president, secretary and registered agent of Rockin Rod, did not notify the Director of his failure to comply with §375.141.7, RSMo (Supp. 2008), nor was corrective action taken.

8. On or about April 14, 2009, the Consumer Affairs Division referred Investigation File Number 08A001027, concerning McCarron, to the Director seeking to discipline McCarron's insurance producer license pursuant to §§ 375.141.1(2) and 375.141.1(6), RSMo (Supp. 2008) and Rockin Rod's business entity producer license pursuant to § 375.141.3, RSMo (Supp. 2008).

9. On or about May 26, 2009, counsel for the Consumer Affairs Division 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. Counsel for the Consumer Affairs Division advised McCarron that he had sixty (60) days review the relevant documents and consider the proposed settlement offer.

10. McCarron, individually and on behalf of Rockin Rod, admits to the facts alleged by the Consumer Affairs Division and outlined in this Consent Order. McCarron agrees that these facts constitute grounds to discipline his insurance producer license and Rockin Rod's business entity producer license.

11. McCarron and Rockin Rod have the right to consult counsel at their own expense.

12. McCarron and Rockin Rod 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 settlement constitute grounds for disciplining McCarron's and Rockin Rod's respective insurance producer licenses.

13. McCarron, individually and on behalf of Rockin Rod, stipulates and agrees to waive any rights that they 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.

Conclusions of Law

14. The allegations raised by the Consumer Affairs Division, if proven, are grounds to discipline McCarron's insurance producer license.

15. The allegations raised by the Consumer Affairs Division, if proven, are grounds to discipline Rockin Rod's business entity producer license.

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), 374.280 and 536.060, RSMo (2000).

17. The Director is authorized to enforce this Consent Order and should McCarron fail to comply with the Consent Order, 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

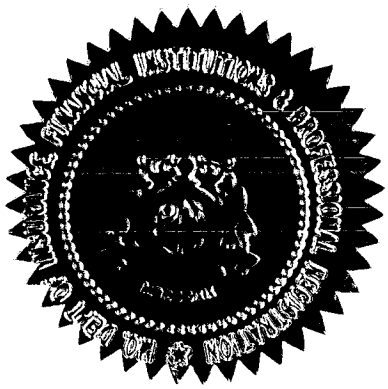
IT IS ORDERED THAT Rodney W. McCarron, Sr.'s insurance producer license (No. 236259) is hereby **REVOKED**.

IT IS ORDERED THAT Rodney W. McCarron, Sr. shall fully remove himself from any ownership or management of Rockin Rod, Inc. McCarron shall provide proof of such removal to the Director within 30 days of the issuance of this Consent Order. McCarron is prohibited from future investments in Rockin Rod, Inc. McCarron is also prohibited from managing Rockin Rod, Inc., directly or indirectly, or being employed by Rockin Rod, Inc. in any capacity.

IT IS ORDERED THAT Rockin Rod, Inc. shall designate an individual insurance producer who will be responsible for Rockin Rod Inc.'s compliance with the insurance laws. Rockin Rod, Inc. shall make such designation by filing the necessary form(s) with the Licensing Section of the Department of Insurance, Financial Institutions and Professional Registration within 30 days of the issuance of this Consent Order. Rockin Rod, Inc. shall not employ Rodney W. McCarron, Sr. in any capacity. Rockin Rod, Inc. shall not allow McCarron to manage Rockin Rod, Inc.'s affairs in any manner.

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 15th **DAY OF** September, **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 Rodney W. McCarron, Sr., individually and on behalf of Rockin Rod, has the right to a hearing, but that Rodney W. McCarron, Sr., individually and on behalf of Rockin Rod, has waived the hearing and consented to the issuance of this Consent Order.

Rodney W. McCarron, Sr.
Respondent

9-1-09
Date

Mark Ludwig
Counsel for Rodney W. McCarron, Sr.
Missouri Bar No. 31733
515 East High Street
Jefferson City, Missouri
Telephone: (573) 636-2177

9-11-09
Date

On behalf of Rockin Rod, Inc.
Name: MICHAEL J. MCCARRON

9-1-09
Date

Counsel for Rockin Rod, Inc.
Name: MARK A. LUDWIG
Missouri Bar No. 31733
Address: P.O. BOX 28
JEFFERSON CITY, MO 65102
Telephone: 573-636-2177

9-11-09
Date

Tamara W. Kopp
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9-15-09
Date