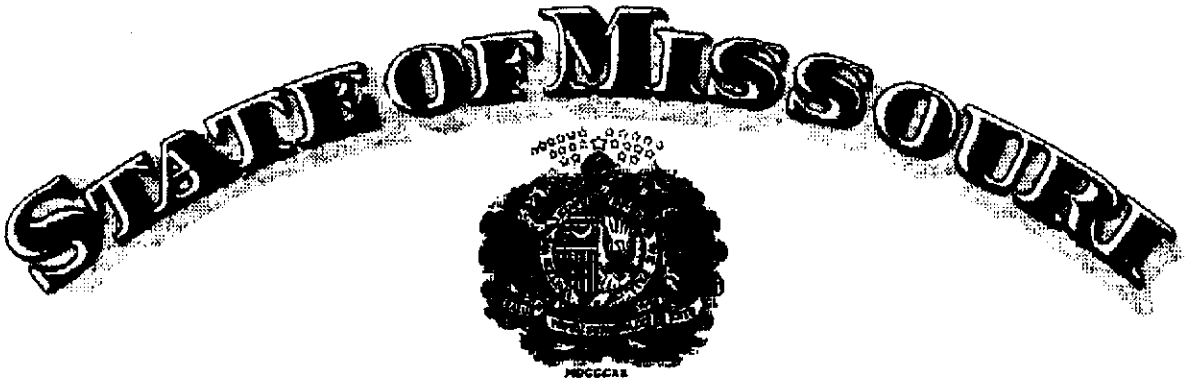


DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
MICHAEL C. BATCH,	)	
	)	
and	)	**Case No. 09-1215833C**
	)	
PLATINUM INSURANCE GROUP LLC,	)	
	)	
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 Elfin Noce, and Michael C. Batch and Platinum Insurance Group LLC have reached a settlement in this matter and the parties have consented to the issuance of this Consent Order.

Findings of Fact

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 supervision, regulation and discipline of insurance producers.

2. The Consumer Affairs Division of the Department of Insurance, Financial Institutions, and Professional Registration ("Consumer Affairs Division") has the duty of conducting investigations into the unfair or unlawful acts of insurance companies and producers under the insurance laws of this state and has been authorized by the Director to initiate this action before the Director to enforce the insurance laws of this state.

3. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Order is in the public interest.

4. The Department issued Respondent Michael C. Batch an insurance producer license (No. 0330356) on June 3, 2004; such license was renewed once and expired on June 3, 2008.

5. The Department issued Respondent Platinum Insurance Group LLC a business entity insurance producer license (No. 8020241) on August 4, 2005; such license was renewed once and expired on August 4, 2009.

6. On or about December 4, 2009, the Consumer Affairs Division referred Investigations File No. 09A000337, concerning Respondents, to the Director seeking to discipline Respondents' licenses.

7. The Consumer Affairs Division and Respondents agree to the following facts and agree that the following facts constitute grounds to discipline Respondents' licenses:

a. Respondent Batch was an owner, president, and the responsible licensed insurance producer for Respondent Platinum Insurance Group LLC.

b. On or about April 20, 2006, Jerry Wightman ("Wightman") purchased a General and Professional liability policy through Philadelphia Insurance Company for a period of April 20, 2006 through April 20, 2007 from Respondent Batch.

c. In April 2007, when the above mentioned policy came up for renewal, Respondent Batch told Wightman that he had found a better rate with a policy through Allied/Nationwide.

d. On or about April 16, 2007, Wightman sent a check to Respondent Batch for $2,935, made payable to Platinum Insurance Group, for the Allied/Nationwide policy.

e. On or about April 18, 2007, Respondent Batch deposited Wightman's April 16, 2007 check into Respondent Platinum Insurance Group LLC's bank account.

f. On or about April 20, 2007, Respondent Batch provided Wightman a purported Certificate of Liability Insurance through insurer Allied/Nationwide.

g. Respondent Batch did not forward the premium for Wightman's Allied/Nationwide policy to insurer Allied/Nationwide.

h. Respondent Batch did not obtain a policy for Wightman through Allied/Nationwide.

i. On or about April 10, 2008, Respondent Batch provided Wightman with a renewal premium proposal from insurer Allied World Assurance Company for $2,543.68.

j. On or about April 10, 2008, Wightman sent a check to Respondent Batch for $2,543.68, made payable to Platinum Insurance Group, for the Allied World Assurance Company policy.

k. On or about April 14, 2008, Respondent Batch deposited Wightman's April 10, 2008 check into Respondent Platinum Insurance Group LLC's bank account.

l. On or about April 20, 2008, Respondent Batch provided Wightman a purported Certificate of Liability Insurance through insurer Allied World Assurance Company.

m. Respondent Batch did not forward the premium for Wightman's Allied World Assurance Company policy to Allied World Assurance Company.

n. Respondent Batch did not obtain a policy for Wightman through Allied World Assurance Company.

o. On or about April 2008, Platinum Insurance Group LLC ceased doing business.

p. When Respondent Platinum Insurance Group LLC ceased doing business, Respondent Batch abandoned all of Platinum Insurance Group LLC's insurance records in the office where the company was located and Respondent Batch does not know what happened to those insurance records.

8. Section 375.141.1(4), RSMo (Supp. 2008), states that the Director may suspend, revoke, or refuse to issue or refuse to renew an insurance producer license for improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business.

9. Section 375.141.1(8), RSMo (Supp. 2008), states that the Director may suspend, revoke, or refuse to issue or refuse to renew an insurance producer license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

10. On or about January 5, 2010, counsel for the Consumer Affairs Division sent documentation to Respondents which 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 Consumer Affairs Division advised Respondents that Respondents had 60 days to review the documentation and consider the proposed settlement offer.

11. Respondents acknowledge that they understand that they have the right to consult an attorney at their own expense.

12. Respondents acknowledge that they have been advised that they may, either at the time the settlement agreement is signed by all parties, or within 15 days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement constitute grounds for disciplining Respondents' licenses.

13. Respondents stipulate and agree to waive any rights that they may have to a hearing before the Administrative Hearing Commission, the Director, Department, or Consumer Affairs Division and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Order and forever release and hold harmless the Department, the Director and his agents, and the Consumer Affairs Division from any and all liability and claims arising out of, pertaining to or relating to this matter.

Conclusion of Law

14. Respondents' failure to forward money received from Wightman on or about April 16, 2007, to insurer Allied/Nationwide for insurance premium constitutes the improper withholding, misappropriating or converting money received in the course of doing insurance business and is cause to discipline Respondents' Missouri insurance producer licenses under § 375.141.1(4), RSMo (Supp. 2008).

15. Respondents' failure to forward money received from Wightman on or about April 10, 2008, to insurer Allied World Assurance Company for insurance premium constitutes the improper withholding, misappropriating or converting money received in the course of doing insurance business and is cause to discipline Respondents' Missouri insurance producer licenses under § 375.141.1(4), RSMo (Supp. 2008).

16. Respondents' abandonment of all insurance records and failure to forward premiums and to secure insurance for Wightman on two occasions demonstrated incompetence, untrustworthiness and financial irresponsibility in the conduct of business in this state and a cause to discipline Respondent's Missouri insurance producer license under § 375.141.1(8), RSMo (Supp. 2008).

17. 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.

18. The Consumer Affairs Division is authorized to settle this matter and the Director is authorized to issue this Consent Order in the public interest pursuant to § 536.060, RSMo (2000), and §§ 374.046 and 621.045, RSMo (Supp. 2008).

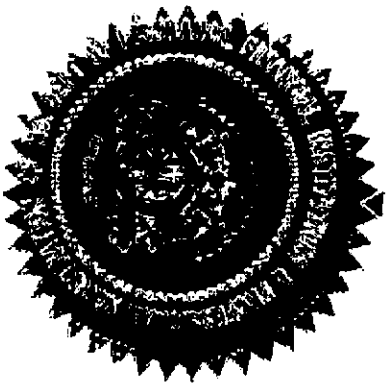
Settlement Terms

IT IS ORDERED THAT Respondent Michael C. Batch's insurance producer license (No. 0330356) is hereby REVOKED.

IT IS ORDERED THAT Respondent Platinum Insurance Group LLC's insurance producer license (No. 8020241) is hereby REVOKED.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 18th DAY OF MARCH, 2010.

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



CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Respondents Michael C. Batch and Platinum Insurance Group LLC have the right to a hearing, but that Respondents Michael C. Batch and Platinum Insurance Group LLC have waived the hearing and consented to the issuance of this Order.

Michael C. Batch — 2/11/10

Michael C. Batch
Respondent
2225 SW Morris Drive
Lee's Summit, Missouri 64082
(314) 494-3841

Date

Michael C. Batch — 2/11/10

Michael C. Batch on behalf of
On behalf of Platinum Insurance Group, LLC
Respondent
2225 SW Morris Drive
Lee's Summit, Missouri 64082
(314) 494-3841

Date

Name: _____
Counsel for Michael C. Batch and Platinum Insurance Group, if any
Missouri Bar Number: _____
Firm: _____
Address: _____
_____
Telephone: _____
Facsimile: _____

Date

Elfin Noce — 3/18/10

Elfin Noce
Counsel for the Consumer Affairs Division
Missouri Bar # 57682
Missouri Department of Insurance, Financial Institutions & Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Fax: (573) 526-5492

Date