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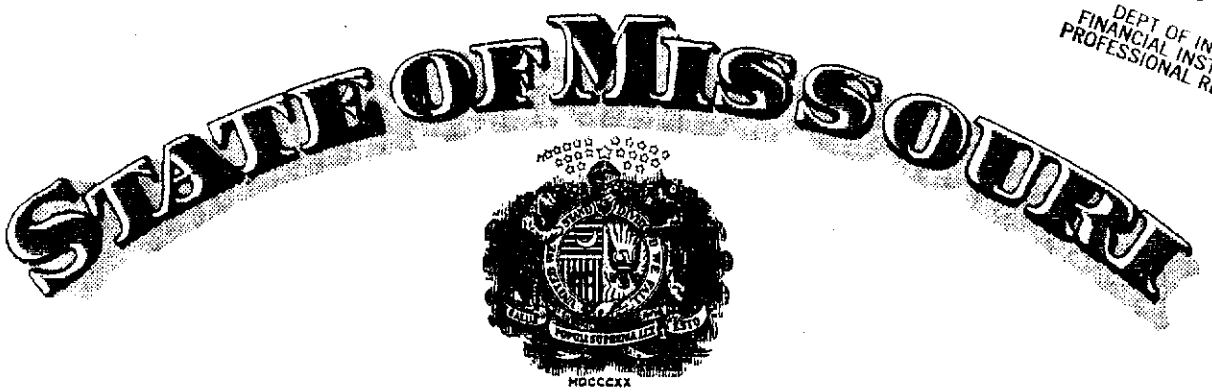
DEPT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

IN THE MATTER OF:	)	
	)	
ROBERT LEE NASH,	)	Case No. 09A000250
Applicant	)	
	)	
Serve at:	)	
4300 Doetzel Ct.	)	
House Springs MO 63051	)	

CONSENT ORDER

GRANTING LICENSE UNDER SPECIAL CIRCUMSTANCES

John M. Huff is the duly appointed 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. 2008). 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. 2008). 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 ROBERT LEE NASH APPLICATION

On March 24, 2009, Robert Lee Nash (Nash) submitted a Uniform Application for Individual Insurance Producer License for the line of prepaid legal only. Nash informed the Department that on December 11, 2008, 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 two years probation. Failure to satisfy the terms of that agreement could result in a permanent misdemeanor conviction. The record demonstrates that, to date, Nash has satisfied the requirements of the court. Nash has

shown that since January, 2009 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 Nash'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 Nash 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. 2008). 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: Robert Lee Nash's insurance producer's license is hereby approved, subject to the following mandatory conditions:

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

Nash 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. Nash 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, Nash 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.

Robert Lee Nash

May 1, 2009
Date

Subscribed and sworn to before me this 1st day of May, 2009. I am commissioned as a notary public within the County of Jefferson, State of Missouri, and my commission expires on Oct 18, 2009.

ROMONA K. SWANGUARIM
Notary Public - Notary Seal
State of Missouri - County of Jefferson
My Commission Expires Oct. 18, 2009
Commission #05476145

Notary Public

Mary Kempker, Director
Division of Consumer Affairs

5/5/09
Date

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED

THIS 5th DAY OF MAY, 2009.

John M. Huff, Director
Missouri Department of Insurance, Financial Institutions and Professional Registration

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