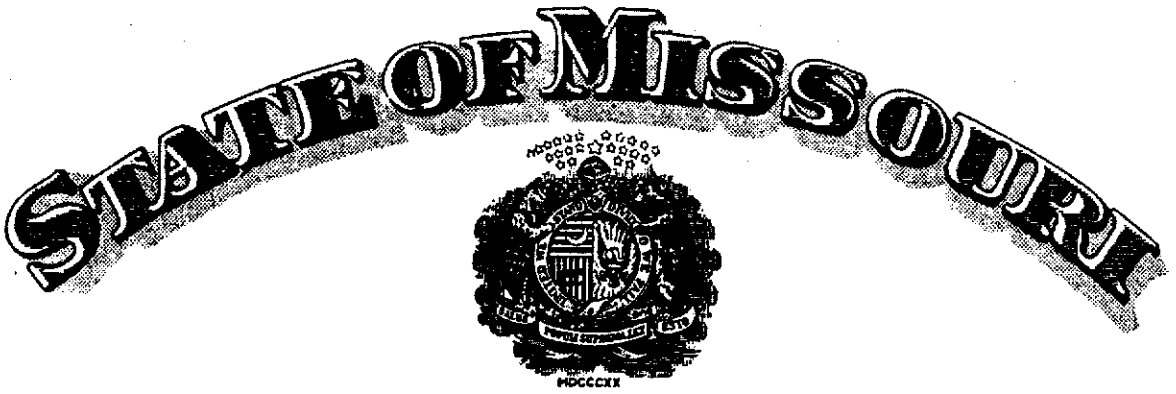


DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	**Case No. 100105008C**
VALERIE ANN HANSON ALBERS,	)	
	)	
Respondent.	)	

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above-referenced matter for consideration and disposition. The Consumer Affairs Division, through counsel, Mary S. Erickson, and Respondent Valerie Ann Hanson Albers 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 ("Department") 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 has the duty of conducting investigations into the unfair or unlawful acts of insurance producers and companies 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 Department originally issued Respondent Valerie Ann Hanson Albers a non-resident insurance producer license (No. 0312532) on July 21, 2003. The license was renewed and remains active and will expire on July 21, 2011.

4. On or about December 31, 2009, the Consumer Affairs Division referred Investigation File No. 09A000035 concerning Respondent to the Director seeking to discipline Respondent Hanson Albers' insurance producer license.

5. The Consumer Affairs Division alleged the following regarding Respondent Hanson Albers:

a. On February 13, 2009, Respondent Hanson Albers entered into an Agreed Order of Disclosure with the Kentucky Department of Insurance where she agreed to provide official documentation demonstrating the resolution of *State of South Dakota v. Hanson-Albers*,[1] Circuit Court Magistrate Division, Second Judicial Circuit, Case No. CR-08-755, within thirty (30) days of final resolution.

b. Respondent failed to notify the Kentucky Department of Insurance as required by the Agreed Order of Disclosure that on September 30, 2009, she was convicted of one count of Domestic Violence Simple Assault and one count of Reckless Use of Weapons in *State of South Dakota v. Hanson-Albers*, Case No. CR-08-755.

[1] The Kentucky Department of Insurance hyphenates Respondent's last name. However, Respondent applied for and received from the Missouri Department a license under non-hyphenated "Hanson Albers".

c. On January 4, 2010, the Commissioner of the Kentucky Department of Insurance revoked Respondent Hanson Albers' non-resident insurance agent's license. *In the Matter of Valerie Ann Hanson Albers,* Order of Revocation, Kentucky Department of Insurance, No. 2009-0004.

d. Respondent Hanson Albers failed to report to the Director of the Department two administrative actions that had been taken against her in another jurisdiction:

   i. Entering into the Agreed Order of Disclosure with the Kentucky Department of Insurance on February 13, 2009; and

   ii. Revocation of Respondent's Kentucky non-resident insurance agent license on January 4, 2010.

e. Respondent Hanson Albers filed for renewal of her Missouri non-resident insurance producer license on July 22, 2009. Question 4 of the Renewal Application asks:

> Since the last renewal or initial application in this state, have you . . . ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?

f. Respondent Hanson Albers answered "No" to Question 4.

g. Relying on Respondent's Renewal Application, the Director renewed Respondent's license on or about July 21, 2009.

6. In light of these facts, Respondent Hanson Albers' non-resident insurance producer license is subject to discipline on the following grounds:

a. Intentionally providing materially incorrect, misleading, incomplete or untrue information in a license application pursuant to § 375.141.1(1) RSMo (Supp. 2009).[2]

b. Obtaining a license through material misrepresentation or fraud under §375.141.1(3).

c. Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory pursuant to §375.141.1(9).

d. Failing to report the Kentucky Department of Insurance Commissioner's Order of Revocation revoking Respondent's non-resident insurance agent license within 30 days of the final disposition of the matter, as required by § 375.141.6, pursuant to §375.141.1(2).

7. Section 375.141 provides, in relevant part:

> 1. The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:
>
> (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;
>
> (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;
>
> (3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;
>
> * * *
>
> (9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;
>
> * * *

[2] All statutory references are to RSMo (Supp. 2009) unless otherwise indicated.

> 6. An insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent order or other relevant legal documents.

8. On or about April 6, 2010, counsel for the Consumer Affairs Division sent to Respondent Hanson Albers a settlement offer with a written description of the specific conduct for which discipline is sought and a citation to the law and rules allegedly violated, together with copies of documents which are the basis thereof. Counsel for the Consumer Affairs Division advised Respondent that she had sixty (60) days to review the materials provided and consider the proposed settlement offer.

9. Respondent Hanson Albers acknowledges that she has been advised that she may, either at the time the settlement agreement is signed by the parties or within fifteen (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 Respondent's license.

10. Respondent Hanson Albers admits to the facts alleged by the Consumer Affairs Division and outlined in this Consent Order. Respondent agrees that these facts constitute grounds to discipline her insurance producer license.

11. Respondent Hanson Albers further acknowledges that she understands she has the right to consult an attorney at her own expense.

12. Except as agreed to and provided in Paragraph 9, Respondent Hanson Albers stipulates and agrees to waive any rights that she may have to a hearing before the Administrative Hearing Commission, the Director or Department, and any rights to seek judicial review or other challenge or contest the terms and conditions of this Order and forever releases

and holds 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.

13. 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.

Conclusions of Law

14. The actions admitted by Respondent Hanson Albers are grounds to discipline Respondent's Missouri non-resident insurance producer license pursuant to §§ 375.141.1 (1), (2), (3), and (9).

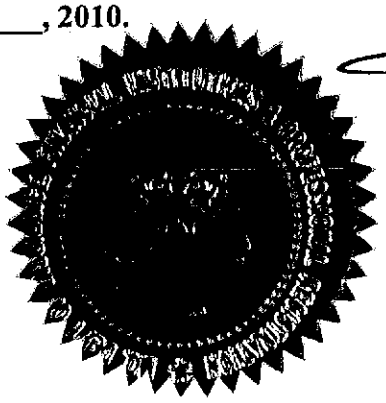
15. The Consumer Affairs Division is authorized to settle this matter and the Director is authorized to issue this Consent Order in the public interest pursuant to § 621.045 RSMo (Supp. 2009) and § 536.060 RSMo (2000).

16. 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 Respondent Valerie Ann Hanson Albers' non-resident insurance producer license (No. 0312532) is hereby revoked.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 20TH **DAY OF** APRIL **, 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 Respondent Valerie Ann Hanson Albers has a right to a hearing, but that Respondent waived the hearing and consented to the issuance of this Consent Order.

Valerie A. Hanson Albers — 4-12-10

Valerie Ann Hanson Albers — Date
47396 273rd Street
Harrisburg, SD 57032
Phone: 605-743-2727

Respondent Valerie Ann Hanson Albers

_____ — _____

Name: _____ — Date
Missouri Bar No. _____
Address: _____
_____
Phone: _____
Fax: _____

Counsel for Valerie Ann Hanson Albers

Mary Erickson — 4/19/10

Mary S. Erickson — Date
Senior Enforcement Counsel
Mo. Bar No. 42579
Missouri Department of Insurance, Financial
Institutions & Professional Registration
301 West High Street, Room 530
Jefferson City, MO 65101
Phone: 573-751-2619
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Counsel for the Consumer Affairs Division