

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:)
Amy C. McCartney,) Case No. 130703395C
Respondent.)

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 Kelly A. Hopper, and Respondent Amy C. McCartney, 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 (“Director” of the “Department”) whose duties, pursuant to Chapters 374 and 375, RSMo,¹ include the supervision, regulation and discipline of insurance producers.

¹ Unless otherwise specified, all statutory references are to the 2012 Supplement to the Revised Statutes of Missouri. The text of relevant statutes in the 2012 Supplement is identical to that in effect at the time of the acts or omissions relevant to this matter.

2. The Consumer Affairs Division ("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. The Department originally issued Respondent Amy C. McCartney ("McCartney") an insurance producer license (No. 0195883) on April 10, 2002. The license remains active and is set to expire on April 10, 2014.

4. The Division seeks to discipline McCartney's insurance producer license and alleges the following regarding McCartney:

- a. On or about March 14, 2012, the court indicted McCartney on one count of Conspiracy to Manufacture Marijuana, a felony, in violation of 21 U.S.C. § 841(a)(1) (2000) and 21 U.S.C. § 841(b)(1)(B) (2000), and punishable through 21 U.S.C. § 846 (2000). *United States v. Amy McCartney*, Case No. 4:12-CR-00107 AGF (E.D. Mo. 2012).
- b. On or about June 28, 2012, McCartney pleaded guilty to Conspiracy to Manufacture Marijuana.
- c. Conspiracy to Manufacture Marijuana is a felony punishable by imprisonment of not less than five years and not more than forty years. 21 U.S.C. § 841(b)(1)(B) (2000).
- d. On or about October 4, 2012, the court sentenced McCartney to time served and placed McCartney on supervised release for a term of three years.
- e. McCartney is scheduled to complete probation on or about October 4, 2015.

5. McCartney acknowledges and understands that under § 375.141.1(6) the Director may revoke her insurance producer license because McCartney has been convicted of a felony.

6. McCartney acknowledges and understands that should she fail to complete the terms of her probation, under § 375.141.1(6), the Director may discipline McCartney's insurance producer license. *United States v. Amy McCartney*, Case No. 4:12-CR-00107 AGF (E.D. Mo. 2012).

7. McCartney acknowledges and understands that she has the right to consult counsel at her own expense.

8. On October 10, 2013, counsel for the Division provided a written description of the specific conduct for which discipline was sought and a citation to the law and rules allegedly violated, together with copies of any documents upon which it based the allegations, and the Division's settlement offer, namely, this Consent Order, in accordance with § 621.045.4(1).

9. McCartney acknowledges and understands that she has been advised that she 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 McCartney's insurance producer license.

10. McCartney acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. McCartney further acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications and that it is her responsibility to comply with the reporting requirements of each state in which she is licensed.

11. Except as provided in paragraph 9, above, McCartney stipulates and agrees to waive any waivable rights that she 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.

12. 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

13. The actions admitted by McCartney are grounds to revoke her Missouri insurance producer license pursuant to § 375.141.1(6).

14. The Director may impose orders in the public interest under § 374.046.

15. 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.

Settlement Terms

IT IS ORDERED that Respondent Amy C. McCartney shall remain in possession of insurance producer license No. 0195883, subject to the conditions set forth herein.

IT IS FURTHER ORDERED that Respondent Amy C. McCartney shall report to the Department any probation violation, probation revocation, citation, arrest, prosecution, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or misdemeanor, within five (5) business days of such event.

IT IS FURTHER ORDERED that Respondent Amy C. McCartney shall report to the Department any administrative action taken against McCartney in another jurisdiction or by another governmental agency in this state within five (5) business days after she receives notification of the initiation of such administrative action.

IT IS FURTHER ORDERED that for five (5) years subsequent to the date of this executed Consent Order, Respondent Amy C. McCartney will voluntarily surrender her license to the Department within thirty (30) days of revocation of the probation associated with *United States v. Amy McCartney*, Case No. 4:12-CR-00107 AGF (E.D. Mo. 2012).

IT IS FURTHER ORDERED that for five (5) years subsequent to the date of this executed Consent Order, Respondent Amy C. McCartney will voluntarily surrender her license to the Department within five (5) business days of McCartney's entry of a guilty plea, nolo contendere plea, finding of guilt, or conviction for a felony or crime of moral turpitude, regardless of whether sentence is imposed, suspended, or executed.

IT IS FURTHER ORDERED that Respondent Amy C. McCartney shall maintain full compliance with all court orders and other requirements relating to *United States v. Amy McCartney*, Case No. 4:12-CR-00107 AGF (E.D. Mo. 2012).

IT IS FURTHER ORDERED that Respondent Amy C. McCartney shall sign and submit a Statement of Compliance to the Director within thirty (30) days of her completion of probation. Should McCartney fail to complete probation, McCartney shall notify the Consumer Affairs Division within five (5) business days of the dismissal from or revocation of probation and notify the Consumer Affairs Division of the consequences of such failure, dismissal, or revocation.

IT IS FURTHER ORDERED that Respondent Amy C. McCartney shall report to the Consumer Affairs Division any violation of or failure to comply with the laws set forth in

Chapters 374 and 375, and in the insurance regulations, within five (5) business days of such violation or failure to comply.

IT IS FURTHER ORDERED that if Respondent Amy C. McCartney maintains her insurance producer license beyond the initial term, successfully completes the probation associated with *United States v. Amy McCartney*, Case No. 4:12-CR-00107 AGF (E.D. Mo. 2012), and complies with the terms of this Consent Order, then McCartney may apply to renew her license and the Director shall consider the renewal application in accordance with Chapters 374 and 375 without regard to McCartney's prior felony, or the underlying conduct, in *United States v. Amy McCartney*, Case No. 4:12-CR-00107 AGF (E.D. Mo. 2012).

IT IS FURTHER ORDERED that the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374 and 375, RSMo.

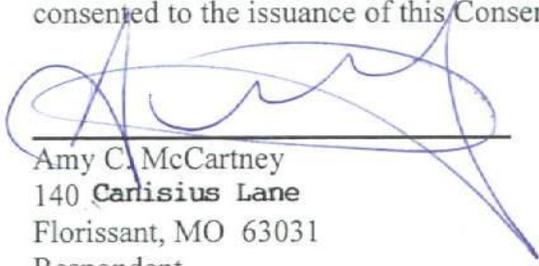
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 19th DAY OF NOVEMBER, 2013.



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

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Respondent Amy C. McCartney may have the right to a hearing, but that McCartney has waived the hearing and consented to the issuance of this Consent Order.



Amy C. McCartney
140 **Carisius Lane**
Florissant, MO 63031
Respondent

11/5/13
Date

Counsel for Respondent
Name: _____
Missouri Bar No. _____
Address: _____

Telephone: _____

Date



Kelly A. Hopper
Counsel for Consumer Affairs Division
Missouri Bar No. 65976
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-1589
Facsimile: (573) 526-5492

11/12/13
Date

Missouri Department of Insurance, Financial
Institutions and Professional Registration
Attn: Legal Section
301 West High Street, Room 530
Jefferson City, Missouri 65101

RE: Statement of Compliance

United States v. Amy McCartney, Case No. 4:12-CR-00107 AGF (E.D. Mo. 2012)

I, Amy C. McCartney, hereby truthfully state under penalty of perjury, that I successfully completed the probation associated with *United States v. Amy McCartney*, Case No. 4:12-CR-00107 AGF (E.D. Mo. 2012), on _____, 20____.

Signed: _____
Amy C. McCartney Date

In witness whereof I have hereunto subscribed my name and affixed my official seal this
____ day of _____, 20____.

Notary

My commission expires: _____