DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
STEVEN C. ALBERS,	)	**Case No. 110426484C**
	)	
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, Ross A. Kaplan, and Respondent Steven C. Albers have reached a settlement in this matter and Respondent has 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 ("Division") 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 Steven C. Albers ("Albers") an insurance producer license (No. 0354359) on September 1, 2005. That license was subsequently renewed and expired on September 1, 2009.

4. The Department originally issued Albers a surplus lines producer license (No. 0354359) on September 12, 2005. That license was subsequently renewed and expired on September 12, 2009.

5. The Division seeks to discipline Respondent Albers' insurance producer and surplus lines producer licenses and alleges the following regarding Respondent Albers:

   a. On March 10, 2009, in *United States of America v. Steven C. Albers*, Case Number 4:09-CR-00078-FJG-1, in the United States District Court, Western District of Missouri, Albers was charged by Indictment with one count of Commercial Sex Trafficking of a Child and one count of Inducement of a Child to Engage in Prostitution.

   b. Albers did not report the criminal prosecution for the felony or crime of moral turpitude to the Director within 30 days of the initial pretrial hearing date nor did Albers provide a copy of the Indictment to the Director.

   c. On September 16, 2009, in the aforementioned case, Albers pleaded guilty to Commercial Sex Trafficking of a Child in violation of 18 U.S.C. 1591(a)(1), (b)(1), and 1594(a), a Class A felony.

d. On January 10, 2011, in the aforementioned case, Albers was convicted of the class A felony and sentenced to 180 months imprisonment.

6. In light of these facts, Respondent Albers' insurance producer and surplus lines producer licenses are subject to discipline on the following grounds:

a. Being convicted of a felony pursuant to §375.141.1(6), RSMo (Supp. 2010).[1]

b. Being convicted of a crime involving moral turpitude pursuant to §375.141.1(6). "Moral turpitude has long been defined as "baseness, vileness, or depravity" or acts "contrary to justice, honesty, modesty or good morals." *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985).

c. Failing to report to the Director the criminal prosecution for the felony and crime of moral turpitude in United States District Court, Western District of Missouri, within 30 days of the initial pretrial hearing date of the matter, and failing to provide a copy of the Indictment, as required by §375.141.7, which is grounds to discipline under §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:
>
> * * *
>
> (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;
>
> * * *

[1] All statutory references are to RSMo (Supp. 2010) unless otherwise indicated. The text of relevant statutes in the 2010 Supplement is identical to that in effect at the time the violations occurred in this matter.

> (6) Having been convicted of a felony or crime involving moral turpitude[.]
>
> * * *
>
> 7. Within thirty days of the initial pretrial hearing date, a producer shall report to the director any criminal prosecution for a felony or a crime involving moral turpitude of the producer taken in any jurisdiction. The report shall include a copy of the indictment or information filed, the order resulting from the hearing and any other relevant legal documents.

8. Section 384.065 provides, in relevant part:

> The director may suspend, revoke, or refuse to renew the license of a surplus lines licensee after notice and hearing as provided under the applicable provisions of this state's laws upon any one or more of the following grounds:
>
> * * *
>
> (7) For any cause for which an insurance license could be denied, revoked, suspended or renewal refused under section 375.141.

9. On or about October 21, 2011, counsel for the Division sent to Respondent 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 Division advised Respondent Albers that he had sixty (60) days to review the materials provided and consider the proposed settlement offer.

10. Respondent Albers acknowledges that he has been advised that he 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 licenses.

11. Respondent Albers admits to the facts alleged by the Division and outlined in this Consent Order. Respondent agrees that these facts constitute grounds to discipline his insurance producer and surplus lines producer licenses.

12. Respondent Albers further acknowledges that he understands he has the right to consult an attorney at his own expense.

13. Except as agreed to and provided in Paragraph 10, Respondent Albers stipulates and agrees to waive any rights that he 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 Division from any and all liability and claims arising out of, pertaining to or relating to this matter.

14. 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

15. The allegations raised by the Consumer Affairs Division are grounds to discipline Respondent Albers' Missouri insurance producer and surplus lines producer licenses pursuant to §§375.141.1 (2), (6), and 384.065(7).

16. The 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 and §536.060, RSMo (2000).

17. 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 Steven C. Albers' insurance producer and surplus lines producer licenses (No. 0354359) are hereby revoked.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 16th DAY OF DECEMBER, 2011.

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 Steven C. Albers has a right to a hearing, but that Respondent waived the hearing and consented to the issuance of this Consent Order.

_____ 11/9/2011
Steven C. Albers (21405-045) Date
Forest City Low FCI
PO Box 9000
Forest City, Arkansas 72336
Respondent

_____ _____
Counsel for Respondent Date
Name: _____
Missouri Bar No. _____
Address: _____
_____
Phone: _____
Fax: _____

_____ 11/28/11
Ross A. Kaplan Date
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