



**DEPARTMENT OF INSURANCE, FINANCIAL  
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

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

**In the Matter of:**

**CARRIE LYNN OYARZABAL.**

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**Case No. 141110735C**

**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 Tamara W. Kopp, and Carrie Lynn Oyarzabal have reached a settlement in this matter and have consented to the issuance of this Consent Order.

1. John M. Huff is the Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration (the “Director” of the “Department”), whose duties, pursuant to Chapters 374, 375, and 381 RSMo,<sup>1</sup> include the supervision, regulation and discipline of insurance producers and business entity producers.

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<sup>1</sup> All statutory references are to the 2014 Supplement to the Revised Statutes of Missouri unless otherwise noted.

2. The Department's Consumer Affairs Division ("Division") has the duty of conducting investigations into the acts of insurance producers and business entity 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. Carrie Lynn Oyarzabal ("Oyarzabal") is a Missouri resident with a residential address of 7053 Sutherland Avenue, St. Louis, MO 63109. Oyarzabal was licensed as an insurance producer (No. 0329008) and such license expired May 11, 2014.

4. On April 22, 2014, counsel for the parent company of U.S. Title Guaranty Company ("U.S. Title"), a licensed Missouri business entity producer, reported to the Department the alleged misappropriation of funds by Oyarzabal and termination of her employment.

5. On May 6, 2014, Special Investigator Marjorie Thompson sent a letter to Oyarzabal by first class mail, postage paid, to Oyarzabal's address of record. The letter inquired about the U.S. Title misappropriation allegations and required a response by May 27, 2014, in accordance with 20 CSR 100-4.100(2)(A). The letter was not returned as undeliverable, and the Consumer Affairs Division received no response from Oyarzabal.

6. On May 29, 2014, Oyarzabal was charged by Information with Felony Mail Fraud. Oyarzabal pled guilty that same day. On August 22, 2014, the court sentenced Oyarzabal to probation for five years and ordered that she pay \$88,451.54 restitution to U.S. Title. *USA v. Oyarzabal*, U.S. Dist. Ct. E.D. Mo., Case No. 4:14-cr-00166-ERW.

7. Oyarzabal acknowledges and agrees that pursuant to § 375.141.1(4) and (8), the Director has grounds to discipline her insurance producer license because by misappropriating title insurance funds and committing Felony Mail Fraud, Oyarzabal

improperly withheld, misappropriated, or converted moneys received in the course of doing insurance business and demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state.

8. Oyarzabal acknowledges and agrees that pursuant to § 375.141.1(2), the Director has grounds to discipline her insurance producer license because by failing to response to Special Investigator Thompson's May 6, 2014 inquiry, Oyarzabal violated 20 CSR 100-4.100, an insurance regulation.

9. Oyarzabal acknowledges and understands that she has the right to consult counsel at her expense.

10. Oyarzabal further acknowledges that she has been advised that she may, either at the time the Consent Order is signed by all parties, or within 15 days thereafter, submit the Consent Order to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Consent Order constitute grounds to discipline Oyarzabal's license.

11. Except as provided in paragraph 10, above, Oyarzabal 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. Oyarzabal acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Oyarzabal further

acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications in this state and in other jurisdictions and that it is her responsibility to comply with the reporting requirements of each state in which she is licensed.

13. Oyarzabal and the Division desire to settle the allegations raised by the Division.

14. On or about December 30, 2014, 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). Counsel for the Division further advised Oyarzabal that she had sixty (60) days to review the relevant documents and consider the proposed settlement offer in accordance with § 621.045.4(2).

15. 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**

16. The allegations raised by the Division, and admitted herein by Oyarzabal, are grounds to discipline Oyarzabal's license under § 375.141.1 (2), (4), and (8).

17. Section 375.141 provides in relevant part as follows:

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;

\* \* \*

(4) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business; [or]

\* \* \*

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere[.]

\* \* \*

4. The director may also revoke or suspend pursuant to subsection 1 of this section any license issued by the director where the licensee has failed to renew or has surrendered such license.

18. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to §§ 374.046, 536.060, and 621.045.

19. 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 Carrie Lynn Oyarzabal's insurance producer license No. 0329008 is hereby REVOKED.

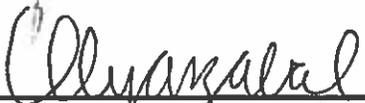
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 9<sup>th</sup> DAY OF January, 2015.



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 Carrie Lynn Oyarzabal may have the right to a hearing, but that Carrie Lynn Oyarzabal has waived the hearing and consented to the issuance of this Consent Order.

  
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Carrie Lynn Oyarzabal  
7053 Sutherland Avenue  
St. Louis, MO 63109  
Telephone: \_\_\_\_\_

1-3-2015  
Date

\_\_\_\_\_  
Counsel for Carrie Lynn Oyarzabal  
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Missouri Bar No. \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_

\_\_\_\_\_  
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1-8-15  
Date