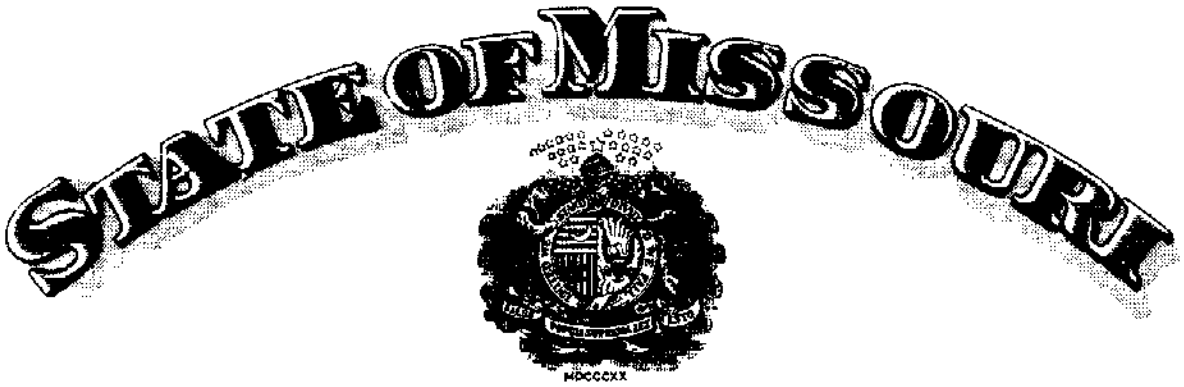

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In RE:	)	
	)	**Case No. 110425480C**
ZACHARY C. CULP,	)	
	)	
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, Tamara W. Kopp, and Respondent Zachary C. Culp have reached a settlement in this matter and Respondent has 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 ("Department") whose duties, pursuant to Chapters 374 and 375 RSMo,[1] include supervision, regulation and discipline of insurance producers and business entity producers.

2. The Consumer Affairs Division ("Division") of the Department has the duty of conducting investigations into the unfair or unlawful acts of insurance producers and companies

[1] All statutory references are to the 2010 Supplement to the Revised Statutes of Missouri unless otherwise noted.

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. On March 16, 2010, Culp was charged with Driving While Intoxicated – Persistent Offender, a Class D Felony § 577.010, in Cole County Circuit Court. On February 23, 2011, Culp pleaded guilty and was sentenced to four years incarceration with the Missouri Department of Corrections. Culp's sentence was suspended pending his completion of a DWI program. *State v. Zachary C. Culp*, Case No. 10AC-CR01057-01.

4. On April 8, 2010, Culp was charged with Driving While Intoxicated – Persistent Offender, a Class D Felony in violation of § 577.010, in Circuit Court of Cole County, Missouri. On October 20, 2010, Culp pleaded guilty. On February 23, 2011, Culp was sentenced to four years incarceration with the Missouri Department of Corrections. Culp's sentence was suspended pending his completion of a DWI program. *State v. Zachary C. Culp*, Case No. 10AC-CR01055-01.

5. On March 18, 2011, Culp submitted an NAIC uniform electronic application for a resident insurance producer license ("Application").

6. Background Question 1 on the Application asks: "Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?" Culp responded "Yes" and disclosed two 2010 felony convictions for Driving While Intoxicated - Persistent Offender.

7. Culp acknowledges and understands that under §375.141.1(6) the Director may refuse Culp's insurance producer license for being convicted of two felonies, namely, Driving While Intoxicated – Persistent Offender.

8. Culp acknowledges and understands that he has the right to consult counsel at his own expense.

9. 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

10. The actions admitted by Culp are grounds to refuse Culp's Missouri insurance producer license pursuant to § 375.141.1(6).

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

12. 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 the Department Insurance, Financial Institutions and Professional Registration will issue the insurance producer license of Zachary C. Culp, subject to the conditions set forth herein;

IT IS FURTHER ORDERED THAT Laura McCurry, License No. 0411624, shall supervise Zachary C. Culp and ensure Zachary C. Culp's compliance with this Consent Order and the laws set forth in Chapters 374 and 375, RSMo.

IT IS ORDERED that Zachary C. Culp shall report to the Department of Insurance, Financial Institutions and Professional Registration any violation of or failure to comply with the laws set forth in Chapters 374 and 375, RSMo within three business days of such violation or failure to comply.

IT IS ORDERED that Zachary C. Culp shall maintain full compliance with all court orders and other requirements of the DWI Court program of the Cole County Circuit Court, Missouri, relating to *State v. Zachary C. Culp*, Case No. 10AC-CR01055-01 and *State v. Zachary C. Culp*, Case No. 10AC-CR01057-01;

IT IS ORDERED THAT Zachary C. Culp shall execute any necessary documents to provide the Department of Insurance, Financial Institutions and Professional Registration access to Zachary C. Culp's Probation and Parole records, including access to any chemical test results;

IT IS ORDERED that Zachary C. Culp shall report to the Department of Insurance, Financial Institutions and Professional Registration any arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony, misdemeanor or crime of moral turpitude, within five business days of such arrest, citation, plea or finding;

IT IS FURTHER ORDERED that for five years subsequent to the date of this executed Consent Order, Zachary C. Culp will voluntarily surrender his license to the Department within 30 days of Culp's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for a felony or crime of moral turpitude;

IT IS FURTHER ORDERED that if Zachary C. Culp violates or otherwise fails to comply with the terms and conditions of this executed Consent Order, 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 3RD DAY OF MAY, 2011.

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 Zachary C. Culp has a right to a hearing, but that Zachary C. Culp waived the hearing and consented to the issuance of this Consent Order.

Zachary C. Culp
Respondent
2402 Willow Drive
Jefferson City, Missouri 65109

5/3/2011
Date

Counsel for Respondent

Date

Laura McCurry
Supervising Insurance Producer
514 Buckskin Drive, Apt. A
Jefferson City, Missouri 65109-6552
Telephone: (573) 634-0128

5/2/2011
Date

Tamara W. Kopp
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5-3-11
Date