STATE OF MISSOURI

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	**Case No. 130909524C**
Jeffrey S. Wilhelm,	)	
	)	
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 Jeffrey S. Wilhelm, 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 2013 Supplement to the Revised Statutes of Missouri. Except where otherwise noted, the text of relevant statutes in the 2013 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 Jeffrey S. Wilhelm ("Wilhelm") an insurance producer license (No. 8033133) on August 7, 2009. The license remains active and is set to expire on August 7, 2015.

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

a. On or about September 9, 2012, Wilhelm was arrested for operating a motor vehicle while under the influence of alcohol. *State v. Jeffrey S. Wilhelm*, Jefferson Co. Cir. Ct., Case No. 12JE-CR03680-01.

b. On or about July 25, 2013, Wilhelm pleaded guilty to the Class D Felony of DWI – Alcohol – Persistent Offender. *Id.*

c. On or about July 25, 2013, the court sentenced Wilhelm to four years' confinement with the State Department of Corrections, suspended execution of the sentence, and placed Wilhelm on probation for a term of five years. *Id.*

d. Wilhelm is scheduled to complete probation on or about July 25, 2018. *Id.*

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

6. Wilhelm acknowledges and understands that under § 375.141.1(6) the Director may revoke his insurance producer license because Wilhelm has been convicted of a crime involving moral turpitude.

7. Wilhelm acknowledges and understands that should he fail to complete the terms of his probation, under § 375.141.1(6), the Director may discipline Wilhelm's insurance producer license. *State v. Jeffrey S. Wilhelm*, Jefferson Co. Cir. Ct., Case No. 12JE-CR03680-01.

8. On May 7, 2014, counsel for the Division sent documentation to Wilhelm which described the specific conduct for which discipline was sought and citation to the laws allegedly violated, along with documents which were the basis thereof. Wilhelm was advised that he had 60 days to review the documents and consider the proposed settlement offer.

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

10. Wilhelm acknowledges and understands that he has been advised that he 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 Wilhelm's insurance producer license.

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

12. Except as provided in paragraph 10, above, Wilhelm stipulates and agrees to waive any waivable rights that he 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.

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 Wilhelm are grounds to revoke his Missouri insurance producer license pursuant to § 375.141.1(6).

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

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.

Settlement Terms

IT IS ORDERED that Respondent Jeffrey S. Wilhelm shall remain in possession of insurance producer license No. 8033133, subject to the conditions set forth herein and the following special conditions:

1. Respondent Jeffrey S. Wilhelm 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.
2. Respondent Jeffrey S. Wilhelm shall report to the Department any administrative action taken against Wilhelm in another jurisdiction or by another governmental

agency in this state within five (5) business days after he receives notification of the initiation of such administrative action.

3. Respondent Jeffrey S. Wilhelm shall maintain full compliance with all court orders and other requirements relating to *State v. Jeffrey S. Wilhelm*, Jefferson Co. Cir. Ct., Case No. 12JE-CR03680-01.
4. Respondent Jeffrey S. Wilhelm 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.
5. The special conditions listed in paragraphs 1 through 4 will expire upon Respondent Jeffrey S. Wilhelm's completion of probation associated with *State v. Jeffrey S. Wilhelm*, Jefferson Co. Cir. Ct., Case No. 12JE-CR03680-01.

IT IS FURTHER ORDERED that until the later of five (5) years subsequent to the date of this executed Consent Order, or his successful completion of the probation associated with *State v. Jeffrey S. Wilhelm*, Jefferson Co. Cir. Ct., Case No. 12JE-CR03680-01, Respondent Jeffrey S. Wilhelm will voluntarily surrender his license to the Department within thirty (30) days of revocation of such probation.

IT IS FURTHER ORDERED that for five (5) years subsequent to the date of this executed Consent Order, Respondent Jeffrey S. Wilhelm will voluntarily surrender his license to the Department within five (5) business days of Wilhelm'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 Jeffrey S. Wilhelm shall sign and submit a Statement of Compliance to the Director within thirty (30) days of his completion of probation. Should Wilhelm fail to complete probation, Wilhelm 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 if Respondent Jeffrey S. Wilhelm maintains his insurance producer license, successfully completes the probation associated with *State v. Jeffrey S. Wilhelm*, Jefferson Co. Cir. Ct., Case No. 12JE-CR03680-01, and complies with the terms of this Consent Order, then Wilhelm may apply to renew his license and the Director shall consider the renewal application in accordance with Chapters 374 and 375 without regard to Wilhelm's prior felony, or the underlying conduct, in *State v. Jeffrey S. Wilhelm*, Jefferson Co. Cir. Ct., Case No. 12JE-CR03680-01.

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 20th **DAY OF** May **, 2014.**

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 Jeffrey S. Wilhelm may have the right to a hearing, but that Wilhelm has waived the hearing and consented to the issuance of this Consent Order.

05/10/2014

Jeffrey S. Wilhelm
5277 Darkmoor Lane
Imperial, MO 63052
Respondent

Date

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

Date

5/20/2014

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

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
State v. Jeffrey S. Wilhelm, Jefferson Co. Cir. Ct., Case No. 12JE-CR03680-01

I, Jeffrey S. Wilhelm, hereby truthfully state under penalty of perjury, that I successfully completed the probation associated with *State v. Jeffrey S. Wilhelm*, Jefferson Co. Cir. Ct., Case No. 12JE-CR03680-01, on _____, 20____.

Signed: _____ _____
Jeffrey S. Wilhelm Date

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

_____
Notary

My commission expires: _____