



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

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

In the Matter of:

Keith A. Bierman,
Applicant.

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Case No. 13-1105580C

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 Cheryl C. Nield, and Keith A. Bierman, 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, 375, and 381, RSMo,¹ include the supervision, regulation and discipline of insurance producers and business entity producers.

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 Keith A. Bierman ("Bierman") an insurance producer license (No. 313583) on August 4, 2003. Bierman's license expired on August 5, 2011. On

¹ All statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

or about June 21, 2013, Bierman submitted an electronic NAIC Uniform Application for Individual Producer License/Registration (“Application”).

4. In completing his Application, Bierman attested under penalty of perjury to the truthfulness and completeness of the information he provided in the Application, including his answers to the question in the section relating to the applicant’s criminal history.

5. In the section of the Application headed “Background Information,” Question # 1 asks, in part: “Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?” Bierman answered “No” to Background Question #1.

6. The Application defines a “Crime” as “a misdemeanor, a felony or a military offense.” It allows the applicant to “exclude misdemeanor traffic citations and misdemeanor convictions or pending misdemeanor charges involving driving under the influence (DUI) or driving while intoxicated (DWI).”

7. On or about January 13, 2012, Bierman pleaded guilty to the Class D Felony of Driving While Intoxicated (DWI) – Persistent Offender, in violation of § 577.010, RSMo, based on two prior DWI misdemeanor convictions occurring in 2000 and 2003. The court sentenced Bierman to three years in jail, but suspended the execution of that sentence, instead placing Bierman on supervised probation for a term of five years and ordering Bierman to successfully complete the St. Charles County Drug Court Program. *State of Missouri v. Keith Bierman*, St. Charles Co. Circ. Ct., Case No. 0911-CR04762-01.

8. The court entered an Order and Judgment for Graduation from Drug Court on February 13, 2013, in *State v. Bierman*, Case No. 0911-CR04762-01. Bierman continues on supervised probation until January 13, 2017.

9. During the time that Bierman's producer license was inactive, having expired, Bierman worked for Integrity Land Title Company, Inc. ("Integrity Title"). As part of his job duties, Bierman conducted title searches and examinations.

10. 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:

* * *

(1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;

(3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;

* * *

(6) Having been convicted of a felony or crime involving moral turpitude[.]

11. Section 381.115 states, in relevant part, as follows:

1. It is unlawful for any person to transact the business of title insurance unless authorized as a title insurer, title agency or title agent.

2. It is unlawful for any person to transact business as:

* * *

(2) A title agent, unless the person is a licensed individual insurance producer under subsection 1 of section 375.015 or is exempt from licensure under subsection 3 of this section.

3. A salaried employee of a title insurer, title agency, or title agent is exempt from licensure as a title agent if the employee does not materially perform or supervise others who perform any of the following:

* * *

(5) Conduct title search or examinations[.]

12. Bierman acknowledges and understands that under § 375.141.1(1) the Director may refuse to issue his insurance producer license because Bierman intentionally provided materially incorrect, misleading, incomplete or untrue information on his Application by failing to disclose the guilty plea and conviction for the Class D Felony of Driving While Intoxicated (DWI) – Persistent Offender in *State v. Bierman*, Case No. 0911-CR04762-01 on his Application.

13. Bierman acknowledges and understands that under § 375.141.1(2) the Director may refuse to issue his insurance producer license because Bierman violated § 381.115, a Missouri title insurance law, when he worked as a title examiner for Integrity Title while not licensed as title insurance producer.

14. Bierman acknowledges and understands that under § 375.141.1(3) the Director may refuse to issue his insurance producer license because Bierman attempted to obtain an insurance producer license through material misrepresentation or fraud by failing to disclose the guilty plea and conviction for the Class D Felony of Driving While Intoxicated (DWI) – Persistent Offender in *State v. Bierman*, Case No. 0911-CR04762-01 on his Application.

15. Bierman acknowledges and understands that under § 375.141.1(6) the Director may refuse to issue his insurance producer license because Bierman has been convicted of a felony or crime involving moral turpitude, specifically the Class D Felony of Driving While Intoxicated (DWI) – Persistent Offender in *State v. Bierman*, Case No. 0911-CR04762-01.

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

17. Bierman 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.

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

19. 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

20. The actions admitted by Bierman are grounds to refuse his non-resident insurance producer license pursuant to § 375.141.1(1), (2), (3), and (6).

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

22. 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 will grant Keith A. Bierman's insurance producer license subject to the conditions set forth herein.

1. Keith A. Bierman shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department of Insurance, Financial Institutions and Professional Registration within five business days of receipt. Such response shall only be by Keith A. Bierman personally or by and through an attorney representing Keith A. Bierman.

2. Keith A. Bierman shall report to the Department of Insurance, Financial Institutions and Professional Registration any arrest, 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.

3. Keith A. Bierman 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, 375, and 381, RSMo, and all regulations promulgated thereunder within five business days of such violation or failure to comply.

4. Keith A. Bierman shall report to the Department any administrative action taken against him in another jurisdiction or by another governmental agency in this state within five business days after he receives notification of the initiation of such administrative action.

5. For two years subsequent to the date of this executed Consent Order, Keith A. Bierman will voluntarily surrender his license to the Department within 30 days of his entry of a guilty plea, nolo contendere plea, finding of guilt, or conviction for a felony or crime of moral turpitude.

6. Keith A. Bierman shall execute and submit any necessary documents to provide the Department access to Bierman's probation and court records.

7. Keith A. Bierman shall execute and submit the attached Statement of Compliance within five business days of his successful completion of the probation associated with *State of Missouri v. Keith Bierman*, St. Charles Co. Circ. Ct., Case No. 0911-CR04762-01.

8. Keith A. Bierman shall pay the total amount of five hundred dollars (\$500.00) as a forfeiture as authorized by § 374.046.15, and pursuant to §§ 374.280 and 375.145, payable to the State School Moneys Fund for the above-described violations.

9. The special conditions listed in paragraphs 1 through 8, outlined above, will expire five years from the date this Order is issued.

IT IS FURTHER ORDERED that such payment shall be due immediately and payable by money order or cashier's check to the State School Moneys Fund, and shall be forwarded with this

executed Consent Order to the attention of Cheryl C. Nield, Missouri Department of Insurance, Financial Institutions and Professional Registration, P.O. Box 690, Jefferson City, Missouri, 65102. Any correspondence and/or money order or cashier's checks shall reference the case name and number appearing at the top of this Order. The Director shall forward these funds to the state treasury for the benefit of school fund as provided in §§ 374.049.11 and 374.280.2, and Article IX, Section 7 of the Constitution of Missouri.

IT IS FURTHER ORDERED that the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374, 375, and 381, RSMo, including remedies for violation of, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 10th DAY OF MARCH, 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 Keith A. Bierman has the right to a hearing, but that Keith A. Bierman has waived the hearing and consented to the issuance of this Consent Order.



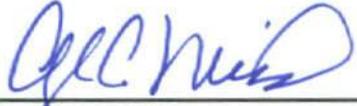
Keith A. Bierman
1925 Hillsboro Valley Park Rd.
High Ridge, Missouri 63099
Applicant

2-28-14
Date

Counsel for Keith A. Bierman
Name: _____
Missouri Bar No. _____
Address: _____

Telephone: _____

Date



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3/7/14
Date