FINAL ORDER
EFFECTIVE
08-09-16

# DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

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| **IN RE:** | ) | |
| | ) | |
| **KAREN SUE CLARK,** | ) | **Case No. 160427258C** |
| | ) | |
| **Applicant.** | ) | |

## CONSENT ORDER

JOHN M. HUFF, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, takes up the above matter for consideration and disposition. The Consumer Affairs Division, through counsel Mark J. Rachel, and Karen Sue Clark have reached a settlement in this matter and have agreed 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 licensure, supervision, and discipline of insurance producers in the State of Missouri.

2. The Consumer Affairs Division of the Department (the "Division") has the duty of conducting investigations into the qualifications of insurance producer license applicants and

[1] All statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 RSMo Supplement, except as to Chapter 335 thereof.

has been authorized by the Director to initiate actions before the Director to enforce the insurance laws of Missouri, including insurance producer license application refusal.

3. Karen Sue Clark ("Clark") previously held a registered professional nurse license issued by the Missouri State Board of Nursing ("Board"), which probated her license after finding and concluding that she had engaged in "misconduct, fraud, dishonesty and misrepresentation in the performance of the functions and duties of a nurse" within the scope of § 335.066.2(5) RSMo. The Board later revoked Clark's license.

4. On February 24, 2016, the Department received Clark's Uniform Application for Individual Producer License/Registration ("Application").

5. Clark disclosed her previous professional licensure to the Department by her Application and provided multiple letters of recommendation, indicating that she now wishes to pursue a different career in the insurance sector.

6. Clark understands and agrees that pursuant to § 375.141.1(8) the Director may refuse to issue Clark a resident insurance producer license because she used fraudulent or dishonest practices or demonstrated untrustworthiness in the conduct of business during her previous career as a registered professional nurse.

7. Clark 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 Division, the Director, and his agents from all liability and claims arising out of, pertaining to, or relating to this matter.

8. Clark acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other jurisdictions. Clark further acknowledges

and understands that this administrative action should be disclosed on future license applications and renewal applications in this state and elsewhere, and that it is her responsibility to comply with the reporting requirements of each jurisdiction in which she may be licensed.

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 representative capacity, to be bound by the terms of this Consent Order.

## CONCLUSIONS OF LAW

10. Section 375.141.1 provides, in relevant part:

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

11. The foregoing facts hereby admitted by Clark constitute cause for the Director to refuse Clark's Application pursuant to § 375.141.1(8).

12. 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.

13. The terms set forth in this Consent Order are an appropriate disposition of this matter and issuance of this Consent Order is in the public interest.

## ORDER

IT IS ORDERED that the Department will issue a resident insurance producer license to Karen Sue Clark, subject to the conditions set forth herein and the following special conditions:

1. Karen Sue Clark shall report to the Consumer Affairs Division any violation of or

failure to comply with Missouri insurance laws and regulations, including those set forth in Chapters 374 and 375, within five (5) business days of such violation or failure to comply.

2. Karen Sue Clark shall respond to all inquiries from the Consumer Affairs Division in accordance with 20 CSR 100-4.100.

3. If a consumer complaint is communicated directly to Karen Sue Clark, she shall send the Consumer Affairs Division a copy of the complaint and a copy of her response to the consumer within five (5) business days of receipt of the consumer complaint.

4. Karen Sue Clark shall report to the Consumer Affairs Division any administrative action taken against her by any other state or federal governmental agency in Missouri or any other jurisdiction within five (5) business days of the final disposition of such administrative action.

5. Karen Sue Clark shall report to the Consumer Affairs Division any of the following incidents involving her: the first court hearing or appearance in any criminal proceeding, guilty plea, *Alford* plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Karen Sue Clark shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

6. Karen Sue Clark shall voluntarily surrender her resident insurance producer license to the Department within five (5) business days of any of the following incidents involving her: guilty plea, *Alford* plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor, regardless of whether any associated sentence is suspended or executed.

7. The special conditions listed in the preceding six (6) paragraphs will expire upon the expiration, lapse, termination, revocation, or renewal of Karen Sue Clark's resident insurance

producer license, whichever occurs first.

IT IS FURTHER ORDERED that if Karen Sue Clark fully complies with the terms and conditions of this Consent Order, she may apply to renew her resident insurance producer license and the Director shall consider any renewal application in accordance with Chapters 374 and 375, but without regard to her conduct while previously licensed as a registered professional nurse, as set forth in Missouri State Board of Nursing Case Nos. 2010-005660 and 2011-000489.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies as determined appropriate by the Director and without limitation, as authorized by Chapters 374 and 375, including remedies for violating or failing to comply with the terms and conditions of this Consent Order.

**SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 22nd DAY OF July, 2016.**

**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 Karen Sue Clark has the right to a hearing, but that Karen Sue Clark has waived the hearing and agreed to the issuance of this Consent Order.

Karen Sue Clark

Karen Sue Clark, Applicant
5125 West Georgetown Drive
Columbia, Missouri 65203
(918) 344-8377
KSCLARK_32000@YAHOO.COM

7.18.2016
Date

_____

Date

_____
Counsel for Respondent

Missouri Bar #: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____
E-mail: _____

Mark J. Rachel, Missouri Bar #66167
Counsel for Consumer Affairs Division
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 522-2619
Facsimile: (573) 526-5492
Mark.Rachel@insurance.mo.gov

22 July 2016
Date