



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

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

In the Matter of:)
Derek J. Kemp,) Case No. 12-0601425C
Applicant.)

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 Kristen E. Paulsmeyer, and Derek J. Kemp, 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 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

¹ All statutory references are to the 2011 Supplement to the Revised Statutes of Missouri unless otherwise noted.

authorized by the Director to investigate and to recommend enforcement action for violations of the insurance laws of this state.

3. On or about April 30, 2012, Derek J. Kemp ("Kemp") submitted an insurance producer license application ("Application") to the Department.

4. In the section of the Application headed "Background Information," Question # 1 asks: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" Kemp answered "Yes."

5. Below Question # 1, a Note contains the following: "'Convicted' includes, but is not limited to ... a suspended sentence"

6. With his Application, Kemp submitted a letter disclosing a guilty plea on February 6, 2007, for Operating ATV While under the Influence of Alcohol in violation of § 304.013 RSMo, a Class C Misdemeanor. The court suspended imposition of sentence and placed Kemp on two years' unsupervised probation, which Kemp successfully completed on February 6, 2009. *State v. Derek J. Kemp*, Osage Co. Cir. Ct., No. 06OS-CR00348.

7. On or about November 3, 1997, Kemp pleaded guilty to the Class A Misdemeanor of Unlawful Use of Drug Paraphernalia, in violation of § 195.233 RSMo 1994. The court sentenced Kemp to five days in Osage County Jail. Kemp did not disclose this conviction on his Application. *State v. Derek J. Kemp*, Osage Co. Cir. Ct., No. CR897-231M.

8. On or about July 6, 1998, Kemp pleaded guilty to the Class B Misdemeanor of Property Damage in the 2nd Degree, in violation of § 569.120 RSMo 1986. The court sentenced Kemp to 10 weekends in Osage County Jail. Kemp did not disclose this conviction on his Application. *State v. Derek J. Kemp*, Osage Co. Cir. Ct., No. CR898-342M.

9. On or about May 22, 2007, Kemp pleaded guilty to the Class A Misdemeanor of Passing a Bad Check - Less than \$500, in violation of § 570.120 RSMo. The court suspended imposition of sentence and placed Kemp on two years' unsupervised probation, which was suspended on July 17, 2007. Kemp did not disclose this charge and guilty plea on his Application. *State v. Derek Kemp*, Osage Co. Cir. Ct., No. 07OS-CR00070.

10. Kemp acknowledges and understands that under § 375.141.1(1) the Director may refuse to issue his insurance producer license because Kemp intentionally provided materially incorrect, misleading, incomplete or untrue information in the license application.

11. Kemp acknowledges and understands that under § 375.141.1(3) the Director may refuse to issue his insurance producer license because Kemp attempted to obtain a license through material misrepresentation or fraud.

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

13. This Consent Order is entered pursuant to § 374.046. As such, any interested person aggrieved by this Consent Order may request a hearing before the Director or review of this Consent Order in a circuit court under § 374.055. Although under the Department's interpretation of the relevant statutes, review of this Consent Order by the Administrative Hearing Commission is not available, Kemp nevertheless may have the right, under § 621.045, to submit this Consent Order to the Administrative Hearing Commission for a determination that the facts agreed to in this consent order constitute grounds to refuse Norton's license.

14. Kemp stipulates and agrees to waive any waivable rights that he may have to a hearing before the Administrative Hearing Commission, 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.

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 actions admitted by Kemp are grounds to refuse his Missouri insurance producer license pursuant to § 375.141.1(1) and (3).

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

18. 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 the Department will issue an insurance producer license to Derek J. Kemp, subject to the conditions set forth herein;

IT IS FURTHER ORDERED that Derek J. Kemp shall report to the Department of Insurance, Financial Institutions and Professional Registration any prosecution, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or crime of moral turpitude, within five business days of such event.

IT IS FURTHER ORDERED that Derek J. Kemp shall report to the Department any administrative action taken against Kemp 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;

IT IS FURTHER ORDERED that for ten years subsequent to the date of this executed Consent Order, Derek J. Kemp will voluntarily surrender his license to the Department within five business days of Kemp'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 Derek J. Kemp 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 business days of such violation or failure to comply.

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.

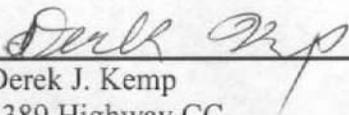
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 27th DAY OF AUGUST, 2012.



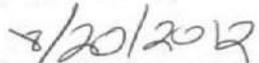
JOHN M. HUFF
Director, Missouri Department of Insurance,
Financial Institutions and Professional
Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Derek J. Kemp may have the right to a hearing, but that Derek J. Kemp has waived the hearing and consented to the issuance of this Consent Order.



Derek J. Kemp
1389 Highway CC
Linn, MO 65051
Respondent

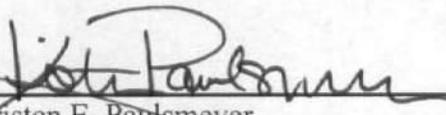


Date

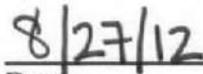
Counsel for Respondent
Name: _____
Missouri Bar No. _____
Address: _____

Telephone: _____

Date



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Date